Court's interpretation of the good-faith defense in the Standard Oil decision is correct, all that was accomplished in enacting that law, aside from adding a number of minor provisions, was to change the term "meeting competition" to "meeting the equally low price of a competitor." If this is all that was accomplished, the Seventy-fourth Congress labored and brought forth a mouse. The chain-store investigation and other reports of the Federal Trade Commission, the extensive hearings and committee reports, the legislative debates, and the acts themselves have all gone for naught. We are now back where we started 38 years ago.

Mr. President, I think this points up what the problem is in reference to the pending legislation, and I think that the minority point of view, as expressed in the minority views, states quite conclusively what has been stated repeatedly on the floor this afternoon, that an attempt is being made by the pending bill to revert back to the pre-Robinson-Patman era. I shall do everything I can, either to have this bill recommitted to the committee for appropriate hearings, which I think is desirable—and I would surely suggest that the Senate consider the recommittal of the bill to the Judiciary Committee, and it may be necessary that such a motion be made or, secondly, if that should fail, to have a vote upon the Kefauver amendment, which if adopted would afford protection and would permit competition in good faith so long as it does not lessen competition or permit monopoly. I cannot see for the life of me how anyone could oppose the Kefauver amendment, which reads:

Unless the effect of the discrimination—

Meaning price discrimination—

may be substantially to lessen competition or tend to create a monopoly in any line of commerce.

In other words, the amendment of the Senator from Tennessee says, "If price discrimination is needed in order to meet competition in good faith, well and good, so long as it does not lessen competition, and so long as it does not tend to promote monopoly."

Mr. President, I want to yield the floor, now, to the Senator from Nevada, for whatever remarks he may wish to make; after which I shall move a recess.

Mr. MALONE. Mr. President, I appreciate the Senator's courtesy. I merely want to say I think it an inappropriate time to bring into the debate the names of other Senators, when they are not here to answer for themselves. The distinguished Senator from Minnesota mentioned that the minority leader, or some other Senator on this side, was responsible for bringing up the legislation. It is entirely in order, as long as the Senate is in session, to debate and make any statement one may desire, but I think it entirely out of order to bring in any other Senator's name, when it was understood, at least tacitly, that the debate really had ended, unless some Senator wanted to remain here to debate with the Senator who was then on the floor.

I want to say that I have sent for the Senator from Nebraska [Mr. WHERRY], minority leader. I think he is perfectly willing and able to take care of himself, when he is on the floor; but he is not on the floor at the moment.

I think it is not a very courteous thing to bring into the debate the names of other Senators who are not present to protect themselves.

I merely want to remain here, now, until we either adjourn or settle the situation to the satisfaction of the junior Senator from Minnesota.

I have already joined in complimenting the Senator from Louisiana, for whom I have the highest regard. There are times when we disagree, but in the main I find that we agree in principle regarding many things.

RECESS

Mr. HUMPHREY. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 44 minutes p. m.) the Senate took a recess until tomorrow, Thursday, August 2, 1951, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 1, 1951:

DIPLOMATIC AND FOREIGN SERVICE

Harold Sims, of Tennessee, now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

D. Eugene Delgado-Arias, of Virginia, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:

Julian P. Fromer, of New York.
George W. Skora, of Arizona.
J. Raymond Ylitalo, of Minnesota.

Stephen H. McClintic, of Maryland, now a Foreign Service officer of class 5 and a secretary in the diplomatic service, to be also a consul of the United States of America.

Rodolfo O. Rivera, of North Carolina, a Foreign Service staff officer, to be a consul of the United States of America.

The following-named Foreign Service reserve officers to be consuls of the United States of America:

Kenneth R. Boyle, of Oregon.
H. Franklin Irwin, Jr., of Virginia.

Samuel Atkins Morrow, of Tennessee, a Foreign Service reserve officer, to be a vice consul of the United States of America.

COLLECTOR OF CUSTOMS

Katherine D. Nordale, of Juneau, Alaska, to be collector of customs for customs collection district No. 31, with headquarters at Juneau, Alaska, in place of James J. Connors, resigned.

IN THE ARMY

CHIEF OF THE NATIONAL GUARD BUREAU

Maj. Gen. Raymond Hartwell Fleming, O165022, National Guard of the United States, Army of the United States, to be Chief of the National Guard Bureau, with the rank of major general, for a period of 4 years from date of acceptance, under the provisions of section 81, National Defense Act, as amended.

IN THE NAVY

Admiral William M. Fechteler, United States Navy, to be Chief of Naval Operations in the Department of the Navy, with the rank of admiral, for a term of 4 years.

Vice Adm. Donald B. Duncan, United States Navy, to be Vice Chief of Naval Operations in the Department of the Navy, with the rank of admiral while so serving.

Admiral Lynde D. McCormick, United States Navy, to be commander in chief, Atlantic and United States Atlantic Fleet, with the rank of admiral while so serving.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

Thomas J. Cushman Vernon E. Megee
William O. Brice John T. Selden

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 1, 1951

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou whose divine love never fails and never forgets or forsakes us, Thou knowest how greatly we need Thee in these dark and tragic times to guide our thoughts, to answer our doubts, and to keep our faith strong and steadfast.

Grant that we may be men and women who carry the light of truth and righteousness in our hearts and may our loyalty be unwavering, our courage unfaltering, and our efforts untiring as we seek to build the kingdom of peace and brotherhood upon the earth.

Show us how we may bring about a closer fellowship and a better understanding between all the nations. Help us to recognize our kinship. May we see how much we have in common and how much we can do to minister to one another's welfare and happiness.

In Christ's name we bring our petition. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF MEMBER

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentlewoman from Pennsylvania, Mrs. VERA BUCHANAN, be permitted to take the oath of office. The certificate of election has not arrived, but there is no contest and no question with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. BUCHANAN appeared at the bar of the House and took the oath of office.

FLOOD CLAIMS ACT OF 1951

Mr. BOLLING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BOLLING. Mr. Speaker, I have today introduced a bill to provide payment for property losses resulting from the 1951 floods in the States of Kansas, Missouri, and Oklahoma, and for other purposes, with the short title "Flood Claims Act of 1951."

Senator HENNINGS, of Missouri, is introducing a companion bill in the other body.

Under this legislation, there would be established within the executive branch of the Government a Flood Claims Commission of five members, appointed by the President with the advice and consent of the Senate. Two members of the Commission would be residents of the flood area. It would be the duty of the Commission, immediately upon its organization, to survey and determine the extent, location, and character of damage to property in the flood area, and thereafter, on the basis of its findings, to establish a system for the receipt and adjudication of claims for flood losses to property which would be paid by the United States.

In recognition of the fact that the flood represents a national economic disaster for which the Federal Government should assume some responsibility for restoration of property losses, the bill provides a formula for Federal grants which has as its chief purpose recompense to those who are least able to recoup their losses without assistance from the Federal Government. Under this formula, there would first be deducted from any claim the sum of $100. This limitation has been incorporated in order to prevent the filing of large numbers of frivolous claims. Thereafter the claims would be discounted on the basis of 25 percent for the first $10,000, 50 percent for the next $90,000, and 75 percent of the remainder up to a statutory limitation of $1,000,000 on all claims for any one claimant. The formula will also provide for the further deduction from approved claims of the value of prior rehabilitation not paid for by the claimant and the amount of any insurance or other indemnity collected or collectible for such losses.

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request ofthe gentleman from Georgia?

There was no objection.

[Mr. Cox addressed the House. His remarks appear in the Appendix.]

AMERICAN INDIAN EXPOSITION

Mr. MORRIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MORRIS. Mr. Speaker, I am happy to extend to every Member of the House and your families and friends a cordial invitation to attend the American Indian Exposition, at Anadarko, Okla., located in my congressional district, beginning August 13, this year. You will see there one of the most colorful events in all America. A short description of this coming event has been prepared by the committee in charge of this great celebration, as follows:

COME TO THE INDIAN COUNTRY

Anadarko, Okla., located in the heart of the Nation, is the home of the American Indian Exposition, the most interesting and exciting show of its kind in America.

Through the week of August 13–18, you will see the Indians in their colorful dances and ceremonies.

Here is a beautiful setting, bordered by frontier battlefields and places of historic interest, you will see actual descendants of famous Indian chiefs and warriors perform the true Indian war dances handed down from generation to generation. You will marvel at the feats of marksmanship with bow and arrow, and other unusual features will hold you spellbound during this remarkable show.

Anadarko is headquarters for the Southern Plains Indian Agency, which guards the interests of thousands of Indians. During this show you will also see Caddos, Comanches, Cheyennes, Delawares, Wichitas, and over 20 tribes from Arizona and New Mexico. It is the greatest Indian show in America. Come this year and see the real Americans revive the glorious traditions of the past.

This is an annual event and you have a standing invitation to attend each year. We shall be truly honored to have you as our guest at your convenience.

KANSAS-MISSOURI FLOOD DISASTER

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONDERO. Mr. Speaker, yesterday morning General Pick, Chief of Army Engineers, appeared before the Committee on Public Works and gave that committee a detailed report on the flood disaster on the Kansas and Missouri Rivers. It is appalling. Thousands of homes were lost; lives were lost; 16,000 head of livestock were lost; and 640 bridges swept away. The estimated damage exceeds $1,000,000,000. It is the worst flood disaster to occur in this country in more than 100 years.

Our committee this morning voted to visit the scene of the disaster on Friday of this week. Congress owes a debt to the people of America first. We have been spending money all over the world to take care of other people. We are constantly passing legislation to provide money and relief for nearly every nation on the face of the globe. We have a direct obligation to protect our own people, and now especially those in the Kansas and Missouri River Basins. A repetition of such a tragic disaster must be prevented in the future. For that purpose I am introducing legislation to authorize the completion of flood plans for the Missouri Valley as prepared by the Corps of Army Engineers, and I hope that it will have the support of the Congress. In this way we can discharge our obligation to the people of that distressed area and make sure they shall not again experience the appalling disaster which overwhelmed them.

Mr. SCRIVNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SCRIVNER. Mr. Speaker, the adoption of House Joint Resolution 303, on yesterday, was a step forward in the solution of problems of the hard-hit flood areas of the Midwest. However, it did not go far enough to afford a permanent solution.

The Slum Clearance Housing Act anticipates removal of housing in the blighted areas and the redevelopment of that same area.

In many cases it is not desirable to rebuild in that particular area which has been devastated by floods. Because of the possibility of a recurring flood at some future time, logic dictates the desirability of locating homes in a higher area.

Furthermore, many communities have exhausted their funds, but can arrange to repay any advanced funds by future tax levies.

Therefore, Mr. Speaker, I have today introduced a joint resolution which will authorize, in addition to grants, loans to communities, and the privilege of selecting the area upon which the housing is to be constructed.

Just as the need is great and immediate for temporary housing, it is no less urgent for permanent homes.

I trust this resolution will be given the speedy and unanimous support given House Joint Resolution 303.

STATEMENT ON CONTROLS BILL

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, the President has again served notice on the country that he would rather play politics with the new controls bill than perform the function of his office, which is to administer laws passed by Congress.

In his intemperate criticism of the new legislation, Mr. Truman has exposed his hand. He is determined that the new law shall not work, if he can help it. In one breath he condemns the bill as a bad one that will not do the job. In the next breath he admits that the executive department has not yet given provisions of the legislation careful study.

This law is adequate to do the job if properly and judiciously administered.

The President sounds off about Republican-sponsored amendments and protests that the bill "prevents us from giving any further price relief to the millions of consumers already penalized by the price rises in the fall of 1950."

Mr. Truman has a conveniently short memory. Last September, Congress, with Republicans taking the lead, gave him a price-control bill in response to demands from the people. But the President said he did not want it then. So he refused to use it until late January,

although it had been on the books all during the time the prices he now complains about were going up.

As a matter of record, House Republicans last September supported the Kunkel substitute, which provided for a general freeze. But the Democratic leadership, on orders from the administration, turned that proposal down. Moreover, it is a matter of record that Republicans supported the Davis amendment to the present law, which would have provided for a 4-months' price freeze. But the Democrats ganged up on that one, too.

Mr. Truman has a long record of condemning the work of Congress before the ink is dry on new legislation. Time has proved him dead wrong before, and time will prove him wrong on this one if he properly does the job of administration he is supposed to do.

SPECIAL ORDERS GRANTED

Mr. SHAFER asked and was given permission to address the House for 30 minutes on tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore entered.

Mr. ANGELL asked and was given permission to address the House today for 30 minutes, following any special orders heretofore entered.

SOCIALIZATION OF THE ECONOMY

Mr. GWINN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GWINN. Mr. Speaker, do you know that daily someone in the Government gives up the idea of freedom and accepts nationalization or socialization instead?

On July 9, 1951, the President wrote to the Prime Minister of Iran, as follows:

> You know of our sympathetic interest in this country in Iran's desire to control its natural resources. From this point of view we are happy to see that the British Government has on its part accepted the principle of nationalization.
>
> Since British skill and operating knowledge can contribute so much to the Iranian oil industry I had hoped—and still hope—that ways could be found to recognize the principle of nationalization and British interests to the benefit of both.

How can our Government do that? How can we make war for freedom and talk and approve and adopt nationalization, socialization of the economy at home and abroad.

Socializing is simply taking over means of production by the state and depriving the people of the benefits of individual ownership of property and its management. How can we continue to do it?

JOSEPH BARNES

Mr. VELDE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VELDE. Mr. Speaker, Alexander Barmine, a former Russian Army general, testified yesterday that Joseph Barnes and Owen Lattimore were regarded as "our men" by the chief of the Soviet Army intelligence. Barnes was formerly foreign editor of the New York Herald Tribune and an official of the Office of War Information. At present he is an editor with the New York book-publishing house of Simon & Schuster.

I wish to call to the attention of the House what I shall term, in all charity, "a striking coincidence." Barnes' employers, Simon & Schuster, have just published a book on Communist China titled "Profile of Red China," by Lynn and Amos Landman. A review of the book in last Sunday's New York Herald Tribune, by Harold Isaacs, makes clear just what kind of book this is. Isaacs says it "sounds like an apologia for the Communist regime." He points out, for example, that the book makes absolutely no mention of the mass purges that have been going on in China and that the book claims the Red government has the loyal support of the masses of Chinese people. According to Isaacs, the book touches only fleetingly on such embarrassing incidents as the Communists' intervention in the Korean war.

Even the Washington Post says the book has "a distinctly ruddy tinge."

Perhaps it is only an amazing coincidence that Barnes should be employed by the firm that published such a book. But I should also point out that this book is merely one more in the long stream of books praising the Chinese Communists that have poured out during the last decade, and that Barnes, as editor and reviewer, has had a prominent role in seeing that the stream continued.

DEPARTMENT OF STATE

Mr. MEADER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, at a meeting of the Committee on Expenditures in the Executive Departments which just recessed a few minutes ago, I offered the following resolution:

> *Resolved*, That a subcommittee of five members, three of the majority and two of the minority party, is hereby created, charged with the duty of conducting a penetrating investigation of the Department of State, including but not limited to its organizational structure, its procedures, its personnel, its performance, and its relationship to other Federal agencies.

Mr. Speaker, last Thursday in opposing the Phillips amendment I set forth my reasons at length. Among them was the recommendation that the cure for the present ills of our foreign policy was a penetrating investigation of the Department of State. I then said:

> Fourth. The real remedy for the weakness, the vacillation, and the disastrous failures in the conduct of our foreign affairs is a penetrating, nonpartisan examination of our Department of State through congressional investigation with the objective of rebuilding and strengthening the instrument through which we express and carry out our foreign policy.

The House Committee on Expenditures in the Executive Departments has unquestioned jurisdiction to conduct this investigation. It needs no additional authority from the House of Representatives. It possesses the subpena power. Perhaps, it will need additional funds. It certainly will need additional personnel, who should be of outstanding competence, if it is to conduct the thorough exploration which is so desperately needed.

Mr. Speaker, in my judgment, there is no single thing this Congress can do which will more surely benefit the people of this country and the world than to improve and strengthen the State Department. As I pointed out in the debate last Thursday, it is not so much Dean Acheson as an individual but the Department he heads and its policies, its acts, and its omissions to act that has incurred the disapproval of the American people.

I say we, as the elected Representatives of the people, owe a duty to the country to do something about our foreign policy and the Department responsible for executing that policy. We cannot hope to take intelligent and effective action unless we are informed. To that end, I hope the Committee on Executive Expenditures will act favorably and promptly on the resolution I have offered. I urge my colleagues, both Republicans and Democrats, to support this proposal to the end that the conduct of our foreign affairs may be conducted intelligently and effectively, in order that we can wage a better and more successful fight in the combat with Communist totalitarianism.

CONSUMERS' ECONOMY AND DEFENSE PRODUCTION ACT

Mr. JAVITS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JAVITS. Mr. Speaker, at a time of national emergency, what we should have sought in the Defense Production Act the President signed yesterday was the creation of a consumers' economy in our country and not a producers' economy or a middleman's economy which is pretty much what the act accomplishes.

We have heard before and we probably will again hear complaints in the House when working people come around for wage increases. Let us remember that the amended Defense Production Act very carefully cuts around the whole agricultural-price structure and that food prices can still go up being based on agricultural prices for which ceilings cannot be established except when they reach 100 percent of parity and this omits right now such staples as wheat,

corn, and citrus fruits. Meat prices far above parity and under ceilings cannot be rolled back in any way according to this amended act. If we honestly want price and wage stabilization, and I emphasize both, we had better understand we are in business every day and should adopt some very practical amendments to the Defense Production Act and do it as promptly as possible. Amendments to the act in the price-wage-stabilization provisions are certainly needed as to slaughtering quotas, roll-backs, mark-ups, and agricultural-price exemptions. Then and then only can anyone ask why, when wage earners ask—as they must under the present situation—for wage increases.

MILITARY RESERVES

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BROOKS. Mr. Speaker, a subcommittee of the Committee on Armed Services is now holding extensive hearings on the Reserve problem. Over the past few months a great many Members of the House have spoken to me about the Reserve problem. I rise to take this opportunity to tell the Members of course they are welcome at this time if they wish to appear before the committee to give their ideas regarding the Reserve problem and time will be set for that hearing. I would like very much to have the names at an early date of the Members who are interested. This is a most important matter in which there is great national interest.

REFORESTATION

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. BOLTON. Mr. Speaker, in the whole matter of flood controls and conservation of our national resources, I am inclined to tell you what the State of Ohio did some years ago. A part of the national problem of floods and drought is that we have cut off all too much of our timber. May I tell you what the great State of Ohio did to provide incentive for the reforestation.

When my husband, your former colleague, was in the Ohio Legislature, he introduced and was successful in securing the passage of a bill which took out of the tax brackets such lands as the small-family farmer would put into trees. It has proved its value—and both the State and the farmer benefit when the trees are cut for lumber.

One of the best things that could happen in the important conservation program for this country would be for every State to further the planting of trees in similar fashion so that our children and their grandchildren may have forests to help control rainfalls and so definitely affect the increasingly serious floods on our great rivers.

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Will the gentleman withhold that for a few moments?

Mr. HOFFMAN of Michigan. All I am trying to do is to get a quorum before the food bill is taken up. I will withdraw it for the present.

DISTRICT OF COLUMBIA APPROPRIATION BILL CONFERENCE REPORT

Mr. BATES of Kentucky. Mr. Speaker, I call up the conference report on the bill (H. R. 4329) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1952, and for other purposes; and I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 778)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4329) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1952, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 7, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 8, 11, 15, 17, 19, 22, 23, 24, and 27, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,400,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,576,500"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,390,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,180,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,681,500"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,950,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 10, 12, 21, 25, 26, and 28.

JOE B. BATES,
SIDNEY R. YATES,
FOSTER FURCOLO,
CLARENCE CANNON,
LOWELL STOCKMAN,
EARL WILSON,
Managers on the Part of the House.

LISTER HILL,
JOSEPH C. O'MAHONEY,
JOHN L. MCCLELLAN,
HOMER FERGUSON,
KENNETH S. WHERRY,
MATTHEW NEELY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4329) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1952, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: Relating to the federal contribution to the general fund, appropriates $10,400,000 instead of $9,800,000 as proposed by the House, and $11,000,000 as proposed by the Senate.

Amendment No. 2: Relating to the executive office, appropriates $296,575 as proposed by the Senate instead of $293,700 as proposed by the House.

Amendment No. 3: Relating to the office of the corporation counsel, appropriates $341,000 as proposed by the Senate instead of $340,000 as proposed by the House.

Amendment No. 4: Relating to the license bureau, appropriates $78,800 as proposed by the Senate instead of $75,200 as proposed by the House.

Amendment No. 5: Relating to general administration, supervision and instruction, public schools, appropriates $17,315,000 as proposed by the House instead of $17,250,650 as proposed by the Senate, and is to provide for the athletic program as proposed by the House and also provides additional driver-teachers as proposed by the Senate.

Amendment No. 6: Relating to the same subject as amendment numbered 5, allows $3,000 to be available for services of experts and consultants, as proposed by the Senate instead of $2,000 as proposed by the House.

Amendment No. 7: Restores House provision requiring deposit in the Treasury of the United States of collections from school athletic contests.

Amendment No. 8: Relating to vocational education, George-Barden program, appropriates $243,900 as proposed by the Senate instead of $230,000 as proposed by the House.

Amendment No. 9: Relating to operation and maintenance of buildings, grounds and equipment, public schools, appropriates $4,576,500 instead of $4,556,500 as proposed by the House and $4,585,540 as proposed by the Senate.

Amendment No. 10: Reported in disagreement.

Amendment No. 11: Relating to capital outlay, public schools, appropriates $7,027,350 as proposed by the Senate instead of $7,071,350 as proposed by the House.

Amendment No. 12: Reported in disagreement.

Amendment No. 13: Relating to the metropolitan police, appropriates $9,390,000 instead of $9,290,000 as proposed by the House and $9,534,000 as proposed by the Senate.

Amendment No. 14: Relating to the metropolitan police, provides payment from the highway fund in the sum of $1,180,000 instead of $1,140,000 as proposed by the House and $1,207,120 as proposed by the Senate.

Amendment No. 15: Relating to the fire department, appropriates $4,695,000 as proposed by the Senate instead of $4,681,000 as proposed by the House.

Amendment No. 16: Relating to the District of Columbia courts, appropriates $1,100,300 as proposed by the House instead of $1,103,750 as proposed by the Senate.

Amendment No. 17: Relating to general administration, health department, places limitation on annual basis as proposed by the Senate instead of monthly basis as proposed by the House.

Amendment No. 18: Relating to general administration, health department, appropriates $2,681,500 instead of $2,661,500 as proposed by the House and $2,705,500 as proposed by the Senate.

Amendment No. 19: Relating to Glenn Dale Tuberculosis Sanatorium, appropriates $2,286,000 as proposed by the Senate instead of $2,273,500 as proposed by the House.

Amendment No. 20: Relating to operating expenses, Gallinger Municipal Hospital and the Tuberculosis Hospital, appropriates $4,950,000 instead of $4,925,000 as proposed by the House and $5,025,000 as proposed by the Senate.

Amendment No. 21: Reported in disagreement.

Amendment No. 22: Relating to medical charities, appropriates $600,000 as proposed by the Senate instead of $500,000 as proposed by the House.

Amendment No. 23: Relating to operating expense, protective institutions, appropriates $2,943,000 as proposed by the Senate instead of $2,923,000 as proposed by the House.

Amendment No. 24: Relating to Department of Vehicles and Traffic, appropriates $1,250,000 as proposed by the Senate instead of $1,242,000 as proposed by the House.

Amendment No. 25: Reported in disagreement.

Amendment No. 26: Reported in disagreement.

Amendment No. 27: Relating to National Capital Parks, appropriates $1,893,900 as proposed by the Senate instead of $1,881,000 as proposed by the House.

Amendment No. 28: Reported in disagreement.

AMENDMENTS REPORTED IN DISAGREEMENT

The following amendments are reported in disagreement:

Amendment No. 10: Proposed construction on elementary school in the vicinity of River Terrace, Northeast. The managers on the part of the House will move to recede and concur.

Amendment No. 12: Amends reference to elementary school in the vicinity of River Terrace, Northeast. The managers on the part of the House will move to recede and concur.

Amendment No. 21: Relating to capital outlay, Gallinger Municipal Hospital, continues available unobligated balance of certain funds previously appropriated. The managers on the part of the House will move to recede and concur.

Amendment No. 25: Relating to capital outlay, sewer division, continues available unobligated balance of certain funds previously appropriated. The managers on the part of the House will move to recede and concur.

Amendment No. 26: Relating to operating expenses, Washington Aqueduct, provides funds and language to authorize the fluoridation of water. The managers on the part of the House will move to recede and concur.

Amendment No. 28: Relating to general provisions, provides that the Budget Officer of the District of Columbia shall be classified in grade GS–16. The managers on the part of the House will move to recede and concur.

JOE B. BATES,
SIDNEY R. YATES,
FOSTER FURCOLO,
CLARENCE CANNON,
LOWELL STOCKMAN,
EARL WILSON,
Managers on the Part of the House.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. BATES of Kentucky. I yield to the gentleman from Minnesota.

Mr. H. CARL ANDERSEN. It is my understanding that the gentleman from Kentucky [Mr. BATES], regardless of the fact that he opposed by original amendment reducing the Federal contribution by $1,200,000 when that proposal was under consideration in the House, nevertheless did insist on the position of the House in conference. From that insistence I understand a compromise has been reached effecting a reduction of $600,000 in the Federal contribution.

Mr. BATES of Kentucky. The gentleman is correct.

Mr. H. CARL ANDERSEN. My sole purpose in rising was to compliment the gentleman from Kentucky and the other House conferees for seeing to it that the wishes of the House, as expressed by my amendment, did receive some consideration in conference.

Mr. BATES of Kentucky. I thank the gentleman.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. BATES of Kentucky. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. I was interested in the fluoridation of water. I understand that by amendment No. 26 there is to be some $150,000 earmarked for the fluoridation of water.

Mr. BATES of Kentucky. That is correct.

Mr. MILLER of Nebraska. I think that is a wise decision, because while the results may not show up for several years, certainly the fluoridation of water, to cut down decay of teeth in children particularly, is a step in the right direction. I appreciate the committee including that.

I introduced a bill in the Committee on the District of Columbia on which I hope to have a hearing this week. It may not be necessary if this item stays in.

Mr. BATES of Kentucky. The District Commissioners were not in position to discuss that with us in committee, but we looked it over and discussed it very freely in conference.

Mr. MILLER of Nebraska. Mr. Speaker, I wish to ask the chairman one of two questions. In looking over the bill, it appears that there is quite a little legislation on an appropriation bill for which no authority has been provided. Did the gentleman run into any difficulty about that in the other body? Or was that put in in the other body?

Mr. BATES of Kentucky. Some of it was put in over here and some in the other body.

Mr. MILLER of Nebraska. I hope the two committees, the District Committee of the House and of the Senate will be more active in providing authorization for legislation so that the Appropriations Committee will not have to put so much legislation in the appropriation bill.

Mr. BATES of Kentucky. I agree with the gentleman. We hope the legislative committee of the House will act in these matters.

Mr. Speaker, I do not believe that there is any need for me to take more than a few minutes of the time of the House to explain the conference recommendations, since the bill is very little changed from its form when it passed the House just a short time ago.

The bill as it passed the House would have provided appropriations totaling $137,776,375. The Senate received a supplemental budget request, subsequent to passage of the bill by the House, which totaled $73,500, and the District requested restoration of $1,829,220 of the reductions made by the House. Of this total additional request of $1,902,720 the Senate bill provided a net increase of only $630,915. The conference committee has agreed on a net reduction below the Senate bill of $191,140 and an increase above the House bill of $439,775, an increase of approximately three-tenths of 1 percent.

I will briefly explain the significant increases. The Senate heard considerable testimony on the fluoridation of the water supply, a subject which the Commissioners were not prepared to discuss at the time your appropriations committee held its hearings. After a review of the testimony presented to the other body and a discussion of it during the conference, your conferees were convinced that this is a very worth-while project, and we agreed to the inclusion of $130,000 in the bill for this purpose.

The Senate bill included $244,000 more for the Metropolitan Police than was included in the House bill. This increase was to cover the additional costs of the 5-day week law that Congress passed some months ago. The very substantial cut of $994,000 that your committee made in this item was partially based on the fact that we felt sure that recruitment problems would make it impossible for the department to effectively and efficiently utilize these funds. The recent slight lowering of the strict physical requirements has lessened to some degree their recruitment difficulties. The House conferees, however, felt that the additional $244,000 was too great an amount and agreed to a figure $100,000 above the House bill.

The House bill included $500,000 for the medical-charities item, which provides care for indigents in the nine private hospitals under contract with the District. The Senate bill increased this by $100,000 to $600,000. The conference committee agreed to the Senate amount, which is still $35,000 less than the amount appropriated for this purpose for 1951.

The remaining increase of $109,775 above the House bill is made up of many small items, none of which, I believe, are controversial.

It will be recalled that your committee brought on this floor a bill which called for a Federal contribution of $12,000,000—the amount authorized by substantive law. It will also be recalled that, after stanch support of this amount by every member of the District of Columbia Subcommittee on both the majority and minority side, the House reduced this by $1,200,000 by a vote of 56 to 41. In view of this directive your conferees attempted to secure conference agreement to the amount of $10,800,000, but failing in this we sought the best compromise possible and agreed to a 50–50 split, in other words $11,400,000 to be divided $10,400,000 for the general fund and $1,000,000 to the water fund.

Mr. Speaker, I do not believe that there are any other items of sufficient importance for me to take additional time of the House in describing.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

Mr. BATES of Kentucky. Mr. Speaker, I ask unanimous consent that the six amendments in disagreement may be considered en bloc, Senate amendments Nos. 10, 12, 21, 25, 26, and 28.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read as follows:

Senate amendment No. 10: Page 9, line 20, insert "Elementary school in the vicinity of River Terrace, Northeast."

Senate amendment No. 12: Page 10, line 15, insert "Elementary school in the vicinity of River Terrace, Northeast."

Senate amendment No. 21: Page 18, line 18, insert "The unobligated balance of the appropriation of $382,909 for furnishing and equipping the combination pediatrics and crippled children's building at Gallinger Hospital, contained in the District of Columbia Appropriation Act, 1950, shall remain available until June 30, 1952."

Senate amendment No. 25: Page 35, line 16, insert "and not to exceed $162,000 of the appropriation for 'Capital outlay, Sewer Division,' contained in the District of Columbia Appropriation Act, 1948, for increasing capacity of the sewage treatment plant, including additional sludge digestion tanks and additional sedimentation tanks, and not to exceed $12,000 of the appropriation for 'Capital outlay, Sewer Division,' contained in the District of Columbia Appropriation Act, 1947, for preparation of plans and specifications for constructing chemical treatment, sludge drying, and incineration facilities at the sewage treatment plant, are continued available for expenditure until June 30, 1952."

Senate amendment No. 26: Page 37, line 23, strike out "$1,813,000" and insert "and fluoridation of water, $1,943,000."

Senate amendment No. 28: Page 46, line 17, insert "including under the Executive Office the Budget Officer in GS–16."

Mr. BATES of Kentucky. Mr. Speaker, I move that the House recede from its disagreement to the amendments of the Senate numbered 10, 12, 21, 25, 26, and 28, and concur therein.

The motion was agreed to.

By unanimous consent, a motion to reconsider the votes by which action was taken on the several motions was laid on the table.

CALL OF THE HOUSE

Mr. HOFFMAN of Michigan. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. PRIEST. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 145]

Armstrong	Engle	Pickett
Bakewell	Fine	Poage
Baring	Fisher	Poulson
Barrett	Flood	Powell
Bates, Mass.	Fogarty	Price
Blatnik	Gillette	Rabaut
Bosone	Golden	Radwan
Bow	Grant	Redden
Boykin	Green	Regan
Breen	Hall, Edwin Arthur	Richards
Brehm	Hand	Rivers
Busbey	Holifield	Rogers, Colo.
Case	Irving	Roosevelt
Celler	Johnson	Saylor
Chatham	Kearney	Scott, Hardie
Chelf	Kennedy	Scott, Hugh D., Jr.
Chenoweth	Kilburn	Scudder
Cooley	Kilday	Shelley
Coudert	King	Short
Curtis, Nebr.	Lyle	Sikes
Davis, Tenn.	McDonough	Smith, Kans.
Dawson	McGregor	Taber
Dingell	Mack, Ill.	Thomas
Dollinger	Miller, Calif.	Watts
Donovan	Morgan	Whitaker
Durham	Morton	Whitten
Eberharter	Murray, Wis.	Yates
Ellsworth	Perkins	
Elston		

The SPEAKER. On this roll call 349 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON BANKING AND CURRENCY

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file reports on a resolution and a bill, Senate Joint Resolution 78 and H. R. 3176.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDING SECTION 503 (B) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Mr. WILLIAMS of Mississippi. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 3298) to amend section 503 (b) of the Federal Food, Drug, and Cosmetic Act.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 3298, with Mr. COLMER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from Ohio [Mr. CROSSER] had 41 minutes remaining and the gentleman from New Jersey [Mr. WOLVERTON] had 58 minutes remaining.

The gentleman from New Jersey is recognized.

Mr. WOLVERTON. Mr. Chairman, I yield myself 21 minutes.

Mr. Chairman, the bill which is before the House for consideration at this time is one that has been given careful consideration by the Committee on Interstate and Foreign Commerce. I do not know of any legislation which the committee has had before it at any time that has been given more careful consideration than the present measure.

There may be some differences of opinion with respect to some features of the bill, but I think there is no doubt that there is unanimity of agreement so far as the objectives of the bill are concerned. I realize from the short debate yesterday and the questions asked during that debate, that there are many questions in the minds of individual members with respect to the measure. I am inclined to believe that many of the questions are due in some measure at least to the receipt of telegrams from interested parties who I am fearful do not in each instance entirely understand the provisions of the bill as reported to the House. The bill reported to the House has made many changes in the bill as originally introduced. I will depart from the usual method of presenting an argument to the House.

I will present my views and my interpretations of this bill by questions and answers in which I will endeavor to give information that will answer the questions that I think are uppermost in the minds of those who are anxious to do the right thing with respect to this legislation. I think I can best do it by this form of presentation. I ask that the Members give careful attention as I now proceed to give the questions and answers to which I have referred.

QUESTIONS AND ANSWERS ON H. R. 3298

First. Question: Why is it necessary for the Congress to consider at this time the bill H. R. 3298?

Answer: Because there has been constantly increasing confusion under the present provisions of the Federal Food, Drug, and Cosmetic Act of 1938 as to which drugs may be sold only on prescription and which drugs may be sold freely over the counter.

Second. Question: What causes this confusion?

Answer: The present provisions of the Federal Food, Drug, and Cosmetic Act of 1938 and the regulations issued thereunder with respect to prescription drugs and over-the-counter drugs are so general that drug manufacturers have differed greatly in the interpretation of these provisions and regulations, and, therefore, in many cases one and the same drug is labeled differently by different manufacturers for prescription sale and for over-the-counter sale.

Third. Question: What is the purpose of H. R. 3298?

Answer: The purpose of H. R. 3298 is to protect the public in the use of potent medicines which should be sold on prescription and to bring about uniformity in the labeling of drugs as prescription drugs and over-the-counter drugs.

Fourth. Question: What is meant by a prescription drug?

Answer: A prescription drug is a drug which may be sold by the druggist only on prescription and which must be labeled with a caution legend that it may be sold only on prescription.

Fifth. Question: What is meant by an over-the-counter drug?

Answer: An over-the-counter drug is a drug which may be sold freely over the counter and which must be labeled with adequate directions for use so that it may be used for self-medication.

Sixth. Question: Is a distinction between prescription drugs and over-the-counter drugs the only problem which is dealt with in H. R. 3298?

Answer: No, it is not. Other provisions in H. R. 3298 deal with telephone prescriptions and the refilling of prescriptions.

Seventh. Question: What does the Federal Food, Drug, and Cosmetic Act of 1938 provide at present with respect to telephone prescriptions?

Answer: The Federal Food, Drug, and Cosmetic Act of 1938 does not permit telephone prescriptions.

Eighth. Question: Should telephone prescriptions be permitted even in the case of potent and dangerous drugs?

Answer: Yes; they should be permitted because the use of the telephone in prescribing medicine is a great convenience both to the doctors and the patients and in some areas of this country telephone prescriptions are absolutely essential to the public health.

Ninth. Question: What safeguards are provided in H. R. 3298 with respect to telephone prescriptions?

Answer: Telephone prescriptions for drugs that may be sold only on prescriptions must be reduced to writing promptly by the pharmacist and must be filled by him.

Tenth. Question: What does H. R. 3298 provide with respect to the refilling of prescriptions?

Answer: H. R. 3298 provides that prescriptions for drugs that may be sold on prescriptions only may not be refilled unless the prescription itself states that it is refillable. A prescription which calls for dispensing of drugs that may be sold freely over the counter may be refilled freely even in the absence of a statement by the prescribing physician that the prescription is refillable.

Eleventh. Question: Why is a distinction made with respect to the refilling of prescriptions between drugs which may be sold only on prescription and drugs which may be sold freely over the counter?

Answer: A distinction is made because in the case of drugs that may be sold freely over the counter it is usually safe for the patient to take the medicine called for in the prescription without again consulting a physician.

Twelfth. Question: Does this mean that in the case of drugs which may be sold only on prescription refilling of prescriptions is unlawful unless specifically authorized by a physician?

Answer: Yes; it does mean that in the case of drugs that may be sold only on prescription a physician will have to authorize specifically the refilling of such prescription.

Thirteenth. Question: Does this mean additional cost to the patient because he will have to get a new prescription from the physician?

Answer: Yes; it may mean that in those cases where the patient cannot safely determine by himself whether he should continue to take the drug originally prescribed by a physician.

Fourteenth. Question: What does the present law provide with respect to the refilling of prescriptions?

Answer: The present law generally prohibits the refilling of all prescriptions unless the prescribing physician authorizes specifically such refilling. The present law makes no distinction between prescriptions for drugs that may be sold only on prescription and drugs which may be sold freely over the counter.

Fifteenth. Question: Does that mean that under the present law a prescription for aspirin may not legally be refilled?

Answer: It means just that and it is the purpose of the bill to authorize the refilling of prescriptions for over-the-counter drugs like aspirin and other commonly used home remedies.

Sixteenth. Question: Has that always been the law or has that state of affairs been brought about by Dr. Dunbar's speech in 1948?

Answer: That has been the state of the law since 1938 and Dr. Dunbar's speech merely called attention to the fact that the Food and Drug Administration in not prosecuting cases involving the unauthorized refilling of prescriptions merely winked at the law.

Seventeenth. Question: Under the bill who would determine which drugs may be sold only on prescription and which drugs may be sold freely over the counter?

Answer: Under the bill the Federal Security Administrator would make that determination on the basis of a statutory standard written into the bill defining dangerous drugs and on the basis of generally prevailing expert opinions with respect to the safety of such drugs.

Eighteenth. Question: Under the present law who determines what is a prescription drug and an over-the-counter drug?

Answer: Under the present law the Food and Drug Administration brings a suit for misbranding and in the course of such suit the court determines whether a particular drug is a prescription drug or an over-the-counter drug.

Nineteenth. Question: Why is it desirable to change the law in this respect and to give the Federal Security Administrator power to determine which are prescription drugs and which are over-the-counter drugs?

Answer: There are approximately 30,000 drug items which could require 30,000 lawsuits to determine under the present law which are prescription drugs and which are over-the-counter drugs.

Twentieth. Question: How is the power of the Administrator circumscribed and how are the rights of interested parties safeguarded?

Answer: The Administrator is called upon to make his determination in accordance with a specific statutory standard defining dangerous drugs, and his determination must be based upon generally prevailing opinions of experts with respect to the safety of such drugs. If any interested party opposes a proposed classification of a drug or seeks a change in an existing classification, hearings must be held in the course of which qualified experts would be called upon to testify. The determination of the Administrator is reviewable in the circuit court of appeals.

Twenty-first. Question: Is the grant of this power unusual?

Answer: No; the grant of this power is not unusual at all. There are, under the bill, three classes of prescription drugs; first, habit-forming drugs; second, dangerous drugs; and, third, new drugs. In the case of the first and the last classes, the Administrator already has the power that the bill would give him with respect to the second class of drugs.

Twenty-second. Question: Must this power be given to the Administrator or is there another way of creating uniformity?

Answer: The committee has studied carefully all the alternatives that have been proposed and reluctantly has come to the conclusion that there is no way of bringing about uniformity without somebody making the decision as to which drugs are prescription drugs and which are over-the-counter drugs.

Twenty-third. Question: Who favors the grant of this power to the Administrator?

Answer: The National Association of Retail Druggists favor the grant of this power not because they merely want the Administrator to have additional power, but because they seek uniformity in the labeling of drugs and no other way is open by which this objective can be achieved.

Twenty-fourth. Question: What is the National Association of Retail Druggists?

Answer: It is an association of approximately 35,000 drug-store owners.

Twenty-fifth. Question: Who opposes the legislation?

Answer. Nobody opposes the legislation in its entirety. Everybody is agreed that the provisions of the bill with respect to telephone prescriptions and with respect to the refilling of prescriptions are necessary and desirable changes in the present act. Everybody further contends, publicly at least, that uniformity is desirable. However, several organizations of manufacturers and pharmacists have opposed, on principle, the grant of additional authority to the Administrator to secure uniformity.

Twenty-sixth. Question: Have alternative proposals been suggested by the opposing groups in order to secure the desired uniformity?

Answer: The answer, in effect, is no. because the proposal which has been made by the opposing organizations involves retaining the present law which possibly involves 30,000 lawsuits before uniformity can be achieved.

Twenty-seventh. Question: Could uniformity be secured without legislation purely on the basis of an understanding among manufacturers?

Answer: Theoretically, the existence of this possibility cannot be denied. In actual practice, however, all attempts to secure such understanding have failed.

Twenty-eighth. Question: What is the principal reason for the failure of such informal understanding?

Answer: The principal reason for this failure is that quite a number of manufacturers actually are opposed to uniformity and prefer the continuance of the present labeling which restricts many safe drugs to prescription sales.

Twenty-ninth. Question: Why should some manufacturers desire to restrict drugs to sale on prescription only although they could safely be sold over the counter without a prescription?

Answer: Several drug manufacturers have traditionally in their trade catered to physicians and registered pharmacists. Many physicians prefer to buy or promote medicines of firms who sell their drugs in this way.

Thirtieth. Question: Are there any reasons other than the traditional trade relations of particular drug manufacturers?

Answer: Yes; a possible other reason is that by labeling drugs for prescription sale only, such drug manufacturers avoid the responsibility of placing on such drugs correct directions for use.

Thirty-first. Question: Is the general public benefited by the requirement that all safe drugs bear directions for use?

Answer: Yes; the public is benefited by this requirement because self-medication is possible only if adequate and correct directions for use are set forth on the labels of safe drugs.

Thirty-second question: Are the provisions of H. R. 3298 burdensome for the retail druggist as is claimed by some opposing the bill? More particularly, must the druggists consult at all times the Federal Register in order to escape responsibility under the Food and Drug Act?

Answer: H. R. 3298 greatly improves the position of the druggists in that it requires the clear-cut labeling of all drugs, thus, in practice, enabling the druggists who buy from reputable concerns to rely on the manufacturers' labels. In those exceptional cases where a drug manufacturer disregards the labeling requirements of the bill and place an incorrect label on a drug, the druggist theoretically is responsibile under the law. However, he can protect himself by checking the Administrator's list and, furthermore, enforcement of the law is traditionally directed against the source of the evil, namely, the manufacturer who falsely labeled a drug.

Thirty-third question: Does this bill advance socialized medicine?

Answer: It certainly does not. The doctor's right to prescribe any medicine he sees fit remains completely unaffected by the bill. Instead of furthering socialized medicine, the bill actually eliminates some of the present restrictive provisions of the law.

Thirty-fourth question: Does the bill restrict the public's choice of remedies?

Answer: No. It guarantees that all drugs that can be safely used by a layman shall be labeled with complete directions which the purchaser can follow without medical advice. It does prevent the sale without prescription of drugs that would harm the purchaser if he took them without professional advice. It is distinctly advantageous to the public.

Thirty-fifth question: Does the bill authorize the Administrator to place drugs on the prescription list by relying on the opinions of experts employed in the agency?

Answer: No. The Administrator must base his action only on opinions generally held by experts qualified by scientific training and experience to evaluate the safety of drugs.

Thirty-sixth question: Does this bill establish a licensing control system over all drug manufacturers?

Answer: Certainly not. The bill has no provision whatever that directly or indirectly mentions licensing. The bill simply authorizes the Administrator to say, after public proceedings, that a particular drug must thereafter be sold on prescription. This enables the manufacturer to know before he violates the law that his drug must be sold on prescription only.

Thirty-seventh question: Does this bill make it possible for the Administrator to put such household remedies, as bromo-seltzer, milk of magnesia, and citra carbonate on prescription?

Answer: Of course not. It requires the Administrator to respect the opinions generally held that these articles are safe for self-medication.

Thirty-eighth question: What is the position of the doctors?

Answer: Representatives of the American Medical Association were present at the committee hearings but refused to testify. Some members of the association, however, have expressed their disapproval of the bill because it vests additional powers in Mr. Ewing whom they distrust. In my opinion this is distinctly unfounded in this particular instance.

Thirty-ninth question: Does this bill authorize grocery stores, supermarkets, and house-to-house vendors to sell drugs?

Answer: This bill is not concerned even remotely with that problem. It is exclusively a matter of State law whether drugs that can be dispensed without a prescription must or must not be sold in drug stores.

This bill in my opinion is clearly in the public interest. It clarifies the law with respect to matters that have brought great concern to practicing druggists. At the same time it makes certain that the public welfare is fully protected. The bill is distinctly beneficial to the general public. It deserves the support of the House.

Mr. CROSSER. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Chairman, I wish it were possible for my good friend the gentleman from North Carolina [Mr. DURHAM] to be here today to present the case for this bill. As all of you know, he has been fighting to get the retail druggists out of the dilemma in which they found themselves after Dr. Dunbar's speech to the NARD convention in 1948.

This is the first time we have been able to get his legislation to the floor. The gentleman from North Carolina [Mr. DURHAM], as you know, is in the hospital now, and it is impossible for him to be here. If he were here, I am sure this bill would meet with little, if any, opposition.

As a member of the Committee on Interstate and Foreign Commerce, which considered this legislation, I am one of those who feels he knows a little something about the bill. We have, in committee, gone over all of the objections which have been raised on the floor. There is nothing new in the arguments against the administrative list provided for in this bill. They have all been argued back and forth and ironed out in committee. When the bill was finally put to a vote by the membership of the committee, it was reported favorably to the floor of the House by a vote of 19 to 4.

As you know, the only controversial item in the bill has to do with subparagraph (B) of paragraph (1). That subparagraph, as you know, provides that the Administrator shall, after hearings, and so forth, provide an administrative list of drugs which shall be restricted to sale under prescriptions. That is the bone of contention in this bill.

The amendment which will be offered by the gentleman from Minnesota to strike this language from the bill and substitute therefor what they consider a definitive standard by which the manufacturers may determine which drugs are prescription drugs has been considered at length by the committee. It was voted down by an overwhelming vote, and this language giving the Administrator this responsibility was written in the bill in its stead.

The arguments against putting the administrative list provision in the bill are simply the same old arguments we heard on the floor of the House from time to time when Federal Security matters are considered. I must confess I have at times advanced the same arguments to accomplish my purposes.

The argument against giving any additional authority to Oscar Ewing is powerful and has a tremendous political appeal because of his apparent unpopularity. Do you not know that if this bill gave any additional authority—arbitrary authority—to Mr. Ewing that I would not be here fighting for its passage, and to include the section providing for the establishment of this administrative list? Knowing my record here, do you think I would be fighting to give one of Mr. Truman's Fair Deal bureaucrats arbitrary authority which he could abuse? Do you think I would be here trying to promote socialized medicine? I suspect that my record of fighting Mr. Ewing and his socialistic ideas is just about as consistent as that of the gentleman from Minnesota.

Do you think if there was danger of giving Mr. Ewing dictatorial powers in this bill that the gentleman from Arkansas [Mr. HARRIS] would be here fighting in support of it? Do you think that

the gentleman from Florida [Mr. ROGERS] would be giving the bill his wholehearted support? Do you think the gentleman from Alabama [Mr. ROBERTS], and the gentleman from Texas [Mr. THORNBERRY], all conservatives and all feeling generally as I do about government—and Mr. Ewing's socialistic philosophies—would be supporting this bill? Do not you know that there is no danger of Mr. Ewing's becoming a medical dictator through this bill? We would give him this authority, and then tie his hands with the Administrative Procedure Act so he could not abuse it.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Illinois.

Mr. SABATH. This will not be administered by any bureaucrat. It will be administered by a man who has been in civil service for many years. As to the gentlemen who are supporting this bill, I am pleased that they are doing so. I hope that in the future they will continue to support other administration bills as they are doing this time.

Mr. WILLIAMS of Mississippi. I thank you for your help. But I am not going to argue with you whether Mr. Ewing is a bureaucrat or not. Frankly, I would concede that point. This bill gives Mr. Ewing certain responsibilities in subparagraph (B) of paragraph (1), and then ties his hands so that he cannot abuse it. Later on in the bill this is provided through court appeals granted to the objectors.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Arkansas.

Mr. HARRIS. I know the gentleman has a valuable statement to make, and I do not want to take up his time. I hope that every Member will listen attentively to a man who has such a background, raised in a drug store, and is therefore familiar with the problems involved here. With reference to the statements of the distinguished gentleman from Illinois [Mr. SABATH], I should like to say that this is not necessarily an administration bill. It was presented to our committee by the gentleman from North Carolina [Mr. DURHAM] and it is a bill for and in behalf of the people of this country.

Mr. SABATH. To that extent I agree with the gentleman.

Mr. HARRIS. As long as such legislation is in the interest of the people of the country, I can assure you that the Members the gentleman refers to will still be supporting it.

Mr. PASSMAN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Under the bill the Federal Administrator can make a determination on the basis of statutory standards and define dangerous drugs, on the basis of generally prevailing administrative opinion. Is the Administrator a doctor or a druggist himself?

Mr. WILLIAMS of Mississippi. He is not; he is the head of the Federal Security Agency.

Mr. PASSMAN. He would not make decisions himself? He would have to seek the advice of others, other than his own decisions?

Mr. WILLIAMS of Mississippi. This authority had to be placed in somebody. Therefore, it was placed in the head of the Agency rather than in one of his subordinates in the food and drug section of his Agency.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Michigan.

Mr. FORD. I just asked a member of the committee as to whether or not the Federal Security Agency could handle this new assignment if it is given to them, with their existing personnel, or whether they are going to have to come before the House Committee on Appropriations and request additional personnel to handle the new duties, if this bill is approved. Can the gentleman tell me whether or not that was brought out in the hearings?

Mr. WILLIAMS of Mississippi. No. I cannot say, of my own knowledge. I assume they will probably act like nearly every other agency, they will probably come back and ask for some more funds. But I am convinced it could be handled within the present framework of the Agency.

Mr. FORD. That would be an exception to previous experiences Congress has had with reference to new duties being put on Government agencies?

Mr. WILLIAMS of Mississippi. Well, the gentleman knows the habits of these agencies when it comes to asking for their funds. They look for excuses to justify additional funds. But, frankly, this could be handled within the framework of the Agency.

I hope you will now let me continue for a moment without interruption. The commitee, in attempting to place responsibility for determining what drugs are prescription drugs and what drugs are safe to be sold over the counter, considered three alternatives.

First, the committee considered the proposition of writing into the bill a legislative list, naming the drugs which could be used as examples in determining which drugs are prescription drugs.

Of course that is legislatively impossible; we cannot handle legislatively something that should and could only be properly handled administratively, and that idea was set aside.

The second alternative that was presented to the committee was the proposition of including in the bill a legislative standard to be followed by the manufacturers in determining what legend to put on their drug. That is the present law and has caused the presently existing confusion. I see no way of enforcing that. That was considered long and it was considered tediously by the committee, and that, I understand, is what is going to be offered as a substitute for the language of this bill when it is read under the 5-minute rule.

Had the committee written that language into the bill and attempted to provide a broad definition of what drugs should be prescription drugs and what drugs could be sold over the counter, the individual retail pharmacist would be left in exactly the same position he is in now. That is, whether to believe the legend that was written on the drug by the manufacturer that it could be dispensed only under the supervision of a physician, or whether he could freely sell the drug over the counter.

Let us take the case of precipitated chalk that was brought before the committee. One manufacturer put on precipitated chalk the prescription label saying that it cannot be sold except under the supervision of a physician or on the written prescription of a physician. Another manufacturer puts up the identical drug, the same chemical makeup—an innocuous drug, incidentally—puts on the label, not the prescription legend, but the dosage: "One teaspoonful in a glass of water every 2 hours as an antiacid."

What is a druggist going to do when he gets a request from a customer to sell him over the counter an order of precipitated chalk? Does he know whether he can legally sell it? Or does he know whether he is violating the law when he sells it? The purpose of this bill is to give that druggist a definite standard to follow. If this bill is passed within 6 months all the druggist will have to do to be sure whether he is violating the law or not is to look at the legend written on the drug before he dispenses it.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield.

Mr. CROSSER. As distinguished from the present situation where he has to invite prosecution to find out.

Mr. WILLIAMS of Mississippi. You are right. The present situation is one of confusion, but to adopt the definitive standard amendment would merely place a congressional stamp of approval on the present confusion.

Mr. BATTLE. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield.

Mr. BATTLE I want to say that I have had a great deal of correspondence from my retail druggists on this very point and I think they are due some relief. I want to congratulate the committee for bringing out this legislation to clarify these points. I congratulate the gentleman on his statement.

Mr. WILLIAMS of Mississippi. I thank the gentleman.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. Not now.

Mr. BENNETT of Michigan. If the gentleman will yield I just want to clear up a point.

Mr. WILLIAMS of Mississippi. We can argue that point later. I know what the gentleman is going to say; we have discussed that before. The gentleman can take it up when he makes his statement on the floor and I promise him that I will not interrupt his reply.

Mr. Chairman, during the last 2 or 3 weeks when certain drug manufacturers found out that this bill was coming up for consideration they began to spread misleading information all

over the country about the bill. They have told the people that dispense home remedies, such as Watkins and Raleigh products, that they would be put out of business. They have even been telling the little country grocers that they were not even going to be able to sell vanilla extract; that if this bill passed, the only way a person could get vanilla extract would be on the prescription of a physician. Now that, of course, is untrue. It is grossly misleading, it is a fabrication out of the whole cloth, and it is intended to stir up enough grass-roots opposition to this bill, based on a misunderstanding of it, to persuade the membership of this House to refuse this relief to the retail druggists of America.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CROSSER. Mr. Chairman, I yield the gentleman two additional minutes.

Mr WILLIAMS of Mississippi Mr. Chairman, let us see who is supporting this bill. Among the organizations supporting this bill is the National Association of Retail Druggists, which has a membership of 35,000. Practically every drug store owner in the United States belongs to the NARD. This is the real practical working organization of the American retail drug stores. With 35,000 members, that organization is seeking relief for its members.

Who is opposed to this bill? The American Drug Manufacturers Association, with a membership of 67 firms. Are they interested in the welfare of the retail druggist when it conflicts with their own? Self-preservation is still the first law of nature.

Then another is the American Pharmaceutical Manufacturers Associaion that has a membership including 150 firms. There is the Proprietary Association, composed essentially of manufacturers of what they call packaged medicines or patent medicines. These are the products sold to the general public with representations as to the effects they will produce rather than with emphasis on the ingredients of which they are composed, such as Hadacol for instance.

Then there is the American Pharmaceutical Association you have been so worried about because you have been getting letters and telegrams from them in opposition to this bill. Who is the American Pharmaceutical Association? Does it claim the right to speak for the American retail druggists as opposed to the National Association of Retail Druggists?

The American Pharmaceutical Association represents primarily the scientific side of pharmacy. It represents school teachers, research men, and others who are connected with drug firms, and others interested in the sale of drugs—but not necessarily retail drug stores—and it only has 14,000 members in the organization.

There is the NARD, made up of the retail drug store owners of this country, which is virtually unanimous in support of this bill.

You have 35,000 professional men, practical men, on one side through the NARD. Take a combination of all the rest of them and you do not have over half as many people as you do in the NARD. I am convinced that the retail druggists want and need this bill.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. WOLVERTON. Mr. Chairman, I yield 7 minutes to the gentleman from Indiana [Mr. BEAMER].

Mr. BEAMER. Mr. Chairman, on Monday, in the debate on H. R. 4484 and on many previous occasions many Members of this House have pronounced their affirmation in the sovereignty of the States and in opposition to increased Federal controls. The same principle is involved in a portion of this measure, H. R. 3298. The administrative enmeshment and the grant of great power which H. R. 3298 provides are not necessary to the avowed purposes of the bill.

The principal intent of this bill is to correct and improve the refill provisions of the present pure food and drug law. This result, we feel, has been accomplished in a reasonably good manner in H. R. 3298. However, attention must be called to the section that gives increased authority to the Federal Security Administrator.

Another interesting and important process in legislative procedure is deserving of attention. When the Interstate and Foreign Commerce Committee voted in executive session on this bill several of us wanted this one feature corrected and, for that reason, hoped to have the committee further consider it. Immediately the National Association of Retail Druggists wrote the members of their association in my district, and, I presume, in certain other districts. As a result I received letters from 10 druggists, most of whom I know personally, asking me to support H. R. 3298. Accordingly, I sent copies of the bill and also of the committee report to these retail druggists with a request that they study the bill and the committee report. Time has been limited, but, even so, I have received telegrams from 5 of these druggists in which they reverse their original request and ask me to support only the refill provision and oppose the extension of authority.

In addition, I have received some 45 or 50 other telegrams principally from the doctors in one city in my district in which the same sentiment is expressed that the druggists requested after they had learned for themselves the content of this bill.

These druggists and doctors realize—as do you and I—that the old legislative trickery is being employed. Some more of the socialistic schemes are introduced in this manner by incorporating worthwhile legislation which we want to support with objectionable sections which we must oppose. In this dilemma the druggists who really have had an opportunity to know the actual import of this kind of legislation really are saying that they do not want to sell their birthright for a mess of pottage.

As evidence of the attitude of these druggists once they see the entire picture, I wish to include two telegrams that are typical:

ANDERSON, IND., *July 29, 1951.*

JOHN V. BEAMER,
House of Representatives,
Washington, D. C.:

After conscientious reconsideration of H. R. 3298 in its revised form may I ask that you use your influence in writing in improvements whereby physicians may have the right to prescribe medicines orally, and pharmacists may fill prescriptions so received and refill those and any other prescription he may have on file except those covered by the Federal narcotics laws. That physicians may indicate the number of times the pharmacist may refill each prescription, by noting thereon. That you use all the available pressure at your command to defeat any additional moves by the Administrator of the Social Security Administration to increase his controls over the practice of medicine and pharmacy, and if possible to decrease his control over the practice of medicine and pharmacy, and if possible to decrease these bureaucratic controls. After 40 years of the profession of pharmacist my observations are that pharmacy and medicine need less controls and that the majority of these professional men are honest and honorable and are able to police their own professions.

A. L. PAYNTER.

ANDERSON, IND., *July 29, 1951.*

Hon. JOHN V. BEAMER,
House Office Building:

After careful review of H. R. 3298 and majority and minority report I wish to withdraw my approval of original bill.

We believe refill and oral prescription rights absolutely essential to providing customers and doctors with best care and service. Request you support these provisions. Portion of bill giving administration right and power to determine category of drugs and to regulate same should be vigorously opposed. We have too much bureaucracy and control in such departments. It would be almost impossible to keep up with regulations if this were enacted. Please support refill and oral prescription rights but oppose additional restriction and regulation on pharmacists and public as well as additional power for Administrator.

HOWARD GWINN.

I also wish to introduce in the RECORD, 1 telegram from a doctor that expresses the sentiments of the 45 or 50 telegrams that have been received from doctors in my district:

ANDERSON, IND., *July 30, 1951.*

Representative JOHN V. BEAMER,
House Office Building:

Instructed by my committee to express opposition of Madison County Medical Society to H. R. 3298 as written privilege of refill of prescriptions as specified by physicians in use of oral prescriptions essential to save expense and reduce inconvenience to patient and to prevent unnecessary use of physicians' time. We support refill privilege as specified by practitioner for stated number of times and oral prescription when necessary. Remaining portion of bill would compound confusion, increase Federal power and authority over citizens, expand Federal Bureau, lead to increased Federal spending and eventually lead to Government control of medical practice. We request your opposition to giving Administrator more power. If such control is advisable it should be at State level but this is not necessary. We sincerely request you support refill provision and eliminate control or extension of authority of Federal Bureau.

JOHN L. DOENGES, M. D.,
Chairman Committee.

Furthermore, a resolution adopted by the Indiana Pharmaceutical Association in convention in June 1951 is included. This resolution further bears out the same opposition to increased Federal controls:

RESOLUTION OF INDIANA PHARMACEUTICAL ASSOCIATION CONVENTION, JUNE 1951

Whereas there is so much disagreement over the right of the registered pharmacist to refill prescriptions of physicians, dentists, or veterinarians for hypnotic and prescription legend drugs: Therefore be it

Resolved, That the Indiana Pharmaceutical Association in annual convention assembled oppose the extension of Federal control over the relationship between physicians, pharmacists, and patients; and be it further

Resolved, That we recommend that such questions as refills of prescriptions be controlled at the local or State level.

A final and very significantly important letter to be included is the one received from Glenn L. Jenkins, dean of the school of pharmacy, Purdue University, West Lafayette, Ind. Dean Jenkins is recognized as one of the outstanding authorities in his field:

PURDUE UNIVERSITY,
SCHOOL OF PHARMACY,
LaFayette, Ind., July 20, 1951.

Hon. JOHN V. BEAMER,
Congress of the United States,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN BEAMER: I am pleased to have your letter of July 11 asking my opinion relative to the Durham-Humphrey bill. In my opinion this bill would take away much of the professional liberty of the pharmacist and would interfere with the relationship between the physician and the pharmacist. Furthermore, the bill gives authority to the Food and Drug Administration to determine when a drug is effective. Broad powers of this kind might very easily interfere with the proper self-medication for minor symptoms and ailments carried on by the people. Consequently, it is my opinion that the Durham-Humphrey bill, H. R. 3298, should not be approved by the Congress of the United States. It is my opinion that the control of relationship between the physician, the pharmacist and the patient should be carried out at the State level. A recommendation to this effect was recently passed by the Indiana State Pharmaceutical Association in its annual convention. Consequently, I hope that you will use your efforts to defeat this new legislation.

Sincerely yours,

GLENN L. JENKINS, *Dean.*

There are several underlying principles involved in this measure. One is the fact that oftentimes blind support is given to legislation by well meaning citizens who have been urged by some association executive to contact their Congressman. Once these same people learn the entire contents of the measure, they then realize that the total sum of the dangers involved more than offset the advantages. This fact has been exemplified in this instance.

The other principle which we must repeat time and time again is the fact that all authority dare not be vested in these bureaus in Washington. Indiana and all of the other States of this great Republic have sovereign rights not only in property but also in individual freedoms. There are those who would destroy this principle by chipping away piece by piece this foundation of individual freedom and individual responsibility.

The Federal Food, Drug and Cosmetic Act has embodied, in the main, this principle and this sound philosophy that has given it strength and respect since the date of its enactment.

With proper amendment to H. R. 3298, this principle can be preserved and, at the same time, the retail druggists, the doctors, and the general public can be given the relief of the prescription refill provisions to which they are entitled.

Mr. SHAFER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER. Mr. Chairman, I concur fully with the minority report on H. R. 3298, the bill to amend section 503 (b) of the Federal Food, Drug, and Cosmetic Act.

I see no objections to the provisions of the bill governing the filling or refilling of oral or telephone prescriptions, and restricting the refilling of prescriptions dispensing dangerous drugs, except when authorized orally or in writing by the physician.

But I am completely opposed to the remaining provisions of the bill, which would delegate to the Federal Security Administrator authority to determine the category in which each of some 30,000 drugs would be placed, with respect to their sale by prescription only or over the counter.

I strongly oppose this provision on three counts:

First of all, it represents one more in the long sequence of attempts, successful in all too many instances, to merge the legislative, administrative, and judicial functions of Federal Government in a bureau or agency of the executive department. By conferring authority to determine the category in which each of some 30,000 drugs would be placed, we bestow on FSA, on Mr. Oscar Ewing, and on his successors as Federal Security Administrator, the power to legislate by directive. Obviously, the bill entrusts the administration of the provisions of the bill and the provisions of the Administrator's directives to the FSA. Finally, since the bill provides that "the findings of the Administrator as to the facts, if supported by substantial evidence, shall be conclusive," the Administrator's powers become judicial as well as legislative and administrative. This is the familiar story of concentration of power through the merger of powers and the elimination of checks and balances. I oppose it, in principle and in application.

In the second place, this provision follows the customary pattern of power-grasping bureaucracy, by undertaking detailed supervision instead of providing broad, statutory definitions and regulations directed at the source of the problem. Thus, this provision is not content to set up a statutory standard to guide and direct the determination whether a specific drug is to be restricted to sale on prescription. This provision is not content to impose such a standard at the source of original production and distribution—the drug manufacturer—with final determination left to the courts, in case of alleged violation.

Bureaucracy must always do it the hard way, the complicated way, the red-tape way, the costly way, the burdensome way, the way that provides more Federal jobs, more bureaucratic authority.

The detailed decisions as to the category in which each drug is to be placed would, under this provision, be exercised by the Federal Security Administrator. The directives are to go to each druggist. So are the interminable revisions of regulations. The heavy hand of the bureaucrat is to be laid, in one more respect, on the small-business man.

The reasoning of bureaucracy is inescapable and frustrating—even if illogical; why do the job the simpler way, the less expensive way, the obvious way, even though this simpler way will do the job as well or better? The answer is not difficult: The simpler way involves less power for those whose passion is to govern.

Finally, I oppose this proposal because, as the minority report so ably points out, this provision may easily become the handmaiden to socialized medicine. Mr. Ewing's predictions on the score are too well known to require elaboration. As the minority report points out, the provision involves potentially "in time, an over-all control of the manufacture, distribution, and administration of drugs." Added to that is the fact that this provision gives the Federal Security Administrator opportunity increasingly to restrict over-the-counter sale of drugs, thereby increasing cost of medication and creating one more artificial stimulus to the demand for socialized medicine.

There is a legitimate function, and a legitimate method, of safeguarding the public in the matter of production and dispensing of drugs.

But there are always those—as in this case—who seize upon this legitimate function, and distort the legitimate method, to dispense the deadlier drug of centralized and entrenched bureaucracy.

Mr. WOLVERTON. Mr. Chairman, I yield 12 minutes to the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA. Mr. Chairman, I appreciate the sense of confusion as to the effect of the statements which have been made here today in this debate. I wish you could imagine the state of confusion in the committee when the original Humphrey-Durham bill was before us and we found the doctors opposed to it and the retail druggists for it, and the pharmaceutical associations and the various drug manufacturers against it. But that bill was not as bitterly opposed as what finally was the child which was born and which has been presented to the floor, which was a very drastic change in the so-called Durham bill. I have received letters calling attention to the fact that it was the Humphrey-Durham bill, so I assume they were both druggists.

There grew up some controversy yesterday as to what the position of the American Medical Association was on this bill. So that there will be no question about it, I should like to read a telegram I received this morning, which is as follows:

In light of the discussion on the floor on H. R. 3298 as to the position of the American Medical Association, let me advise that on recommendation of the legislative committee, the board of trustees authorized opposition to the bill particularly because of section (B). The board of trustees is the policy-forming body of the American Medical Association when the house of delegates is not in session and has been specially authorized by it to take action on legislative bills. Action on H. R. 3298 was taken by the board at a meeting June 14, 1951, and a copy immediately sent to a member of your committee.

I might say that the hearings on this bill were concluded in the early part of May 1951.

That advice was communicated to my distinguished friend the gentleman from Tennessee [Mr. PRIEST], who read the communication to the committee in executive session. Therefore it cannot be claimed that the committee did not know what the attitude of the American Medical Association was on this bill. I enclose copy of this letter:

AMERICAN MEDICAL ASSOCIATION,
Washington, D. C., June 15, 1951.

Hon. J. PERCY PRIEST,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN PRIEST: The legislative committee of the American Medical Association has given a lot of thought and study to H. R. 3298, the Durham drug bill.

The provisions of the bill were especially studied by our council on pharmacy and chemistry, and the following statement has been prepared and is being submitted by the board of trustees.

"The committee believes that the objectives sought by this legislation are worthy of support but legislation as proposed at the present time is not necessary or desirable. The committee also believes the control of professional practices should remain in the bodies already set up in States to regulate professional practice. The determination of what should be labeled only for prescription use and what should be made available for nonprescription dispensing should be left to voluntary discussion and effort as now possible under the Federal Food, Drug and Cosmetic Act. The Committee therefore disapproves the legislation."

Respectfully submitted.

JOS. S. LAWRENCE, M. D.,
Director, Washington Office.

Mr. CROSSER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. CROSSER. The gentleman does not mean to say that the American Medical Association responded to the usual notice which was sent out to the usual organizations and institutions that such notices are sent out to when hearings are going to be held.

Mr. O'HARA. I did not say that, may I say to my Chairman.

Mr. CROSSER. As a matter of fact I personally met the representative here in Washington and asked him whether his organization was going to take a position and I was pretty well informed that it was not going to take a position on this.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. WILLIAMS of Mississippi. The gentleman knows that we did everything but hogtie the doctors to try to get them down before the committee.

Mr. CROSSER. Absolutely.

Mr. WILLIAMS of Mississippi. And they absolutely refused to take a stand.

Mr. O'HARA. The gentleman knows that some doctor who represents the American Medical Association in Washington cannot speak until the executive board of their body acts on any particular project. Until the bill came out of committee they could not possibly have acted on it and furthermore when the bill was reported out of committee it was completely changed. I say in fairness to the American Medical Association they have been a little slow in reporting their attitude at times and I have been critical of them but in this case I cannot criticize them.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. BROWN of Ohio. I have had the opportunity, of course, to hear a great deal of discussion on this bill before the Committee on Rules. I have received a great many communications from druggists, a few from drug manufacturers, and a large number from doctors, from all over the country concerning this legislation. I have sent copies of the bill and of the committee report to those people who contacted me, especially those in my own district and State. I know that the Ohio State Medical Association, for instance, has gone on record against the provisions in the bill which gives greater power to the Federal Security Administrator. Seemingly the druggists are primarily interested in getting the authority to refill prescriptions so as to follow their age-old custom of handling prescriptions, while the doctors are primarily interested in seeing that no one gets a foot in the door for socialized medicine, and are therefore opposed to the section giving new powers to FSA. The doctors and the medical fraternity, as I understand it, also want the relief the druggists have requested to be granted to them. So it seems to me we can work out a suitable arrangement to satisfy both doctors and druggists by amending this bill, so as to give to the druggists the relief they seek, and at the same time to protect the medical profession from the threat of socialized medicine.

Mr. O'HARA. May I say, Mr. Chairman, that I intend to offer an amendment which will strike out the objectionable features of this bill, namely, amending B and striking out subsection 5. That will remove this tremendous grant of administrative absolutism to Mr. Ewing as the Food and Drug Administrator, and I am sure a great many Members and many, many of the people of this country do not want him to have such power.

You have a sugar-coated pill here. The question which came before us was the chaos created by the Dunbar speech at Atlantic City in 1948 when the traditional oral prescription was removed and the refilling of the prescriptions was eliminated. There was never an official ruling made by Food and Drug; just a speech by Dr. Dunbar, of the Food and Drug Administration, telling them how wrong it was. Everybody is for legislation that will clear that up.

But when they got that far, in comes the Food and Drug Administration and hang on a tremendous grant of power, which gives Mr. Ewing authority, from the traditional case-by-case decision, which he has today, to making 30,000 decisions at once or in doses of 500 or in doses of 100, and the retail druggists from then on are supposed to keep up with what goes on.

Here is another thing that it does: In the practice which exists today the druggist has the defense of good faith when he buys drugs from a drug manufacturer. Usually there is a guaranty on the bill of sale, or whatever passes from the drug manufacturer to him. It is a recognized fact that the retail druggist has that defense of good faith. I say this to you who are for the National Association of Retail Druggists—you can ask any lawyer what it means—the druggist is now eliminated from this defense of good faith under the language of this bill, and he is on his own.

There is another thing that the druggists of the country do not know what is happening to them. That is, if there are a large number, and I assume there will be, of these decisions on various items of drugs, it is going to be up to the druggist to see that he takes care of the labeling on his shelves. He is going to have to see from day to day what Mr. Ewing has passed out in the way of regulations, change the prescription drug to an over-the-counter drug, or an over-the-counter drug to a prescription drug. Now, let there be no question about that.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Illinois.

Mr. SPRINGER. By your amendment you will strike out section 5; is that true?

Mr. O'HARA. Yes.

Mr. SPRINGER. Will there be any substitute for section 5?

Mr. O'HARA. I do not know.

Mr. SPRINGER. With reference to the question of the right to judicial review——

Mr. O'HARA. Let me say to the gentleman that if the section is stricken out the judicial review is eliminated. You do not have to worry about that.

Mr. SPRINGER. That is what I wanted to be sure about. You are not going to have any problem of following decisions.

Mr. O'HARA. You have got these six or eight steps under this bill that the person affected would have to go through. When you get down to the end of it you have very little judicial review.

Mr. SPRINGER. By your amendment, what will it do?

Mr. O'HARA. It will amend subsection (B) and clarify it. I do not know what that will mean if it is not adopted in its entirety. It will mean that it will make it very simple and clear as to what the Administrator is to do in making

these tests. My amendment will then strike out subsection (5), which is the grant of power to the Administrator. He does not have to give anybody a hearing to make these decisions, and unless they object or petition for a hearing upon that previous decision. Now, that puts the burden of proof on the other foot, instead of as it is today. The burden of proof is reasonably upon the Administrator when he comes into court to enforce the authority which he has now. There is no question but that the Administrator has all the power in the world now. If a drug is mislabeled or misbranded or not approved as it should be for sale to the public, the Administrator has all the authority in the world to bring prosecution, either criminal prosection, or to seize it under a libel, and prosecute that action.

Mr. SPRINGER. Now, the third question: Under your amendment, will your definition be complete enough that these country stores and others who are now selling proprietary medicines can continue to do so in the same manner that they do now?

Mr. O'HARA. Yes; there is no question about that; he would still have the decision to make as to whether it was something that should be sold; he has that today.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. DONDERO. If the gentleman's amendment should be adopted, would the ordinary person be able to have his prescriptions filled with the same ease with which he can do so today?

Mr. O'HARA. Yes; exactly; and without all of this other mess which is going to be confusing to everybody involved in the drug business.

Mr. DONDERO. Then what was the basis—and I do not ask the gentleman to repeat the statement he has already made—what was the basis of bringing this legislation to the floor of the House?

Mr. O'HARA. That was one of the strange things that my friends on the other side, on the right side of the aisle, are still apologizing for.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. CRAWFORD. The bill was brought in by two professional pharmacists, was it not?

Mr. O'HARA. That is what I assume.

Mr. CRAWFORD. So there may be no doubt about it, it is a bill in favor of a special interest, the druggists.

Mr. GWINN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. GWINN. Would not this be an intolerable and objectionable thing for the doctors if every time a person wanted Mothersill's seasick pills he had to go to his doctor?

Mr. O'HARA. And get a prescription.

Mr. GWINN. And get a prescription. Is not that right?

Mr. O'HARA. That is what could happen; and they say that even aspirin could be included, as a prescription drug.

Mr. CROSSER. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. CARLYLE].

Mr. CARLYLE. Mr. Chairman——

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CARLYLE. I gladly yield to my friend from Mississippi.

Mr. WILLIAMS of Mississippi. The gentleman knows that they would never be able to put Mothersill's seasick pills or Lydia Pinkham's pink pills or Hadacol, or other such patent medicines on the prescription list under the definition mentioned in this bill.

Mr. CARLYLE. Mr. Chairman, I welcome this opportunity to make a few brief statements in support of this highly important and wholesome legislation.

Mr. Chairman, I would be unmindful of my duty should I fail to state that our able, experienced, and efficient chairman realized the importance of this legislation and he gave every interested party who expressed any desire to testify before our committee the opportunity to do so. I know of no person or corporation that has requested the opportunity to appear before our committee who was not afforded that opportunity.

This bill we are now considering is not based upon theory or conjecture; it is based upon actual experience of the druggists in this country. We know that the author of this bill is a Member of Congress and is at all times a dependable Member. I have known the gentleman from North Carolina [Mr. DURHAM] for more than 30 years. I know that he was a successful operator of a drug store and is now a skilled, successful, and highly efficient registered pharmacist in the State of North Carolina. Based upon his experience and upon his desire to be of assistance to the people of this country, he introduced this legislation.

I wish to state that my primary interest in this legislation is because I know that it is wholesome, that it is needed in this country in order to prevent gross injustice and to cure many evils that now exist. When you take into consideration that your action here today regarding this bill will vitally affect every home and every person in this country at some future date, you can readily see why you should give your best thought and consideration to this bill. Now, personally, I see no possible opportunity for one to become confused while considering this bill. There is no confusion in my mind.

The bill contains three separate provisions, and I ask you in your mind to answer which one you cannot wholeheartedly embrace. One section provides that a doctor shall have the right, if he thinks it is necessary, to transmit his prescription to the druggist by telephone. Of course, then the prescription druggist will make a copy of that prescription and file it. Probably thousands of instances occur in this country every day where a physician is called to a home or to the scene of an accident for the purpose of rendering services. When he there finds a prescription medicine is necessary, he may use a telephone to communicate with the druggist and the medicine is forthcoming. That is a violation of law in this country, both on the part of the physician and the druggist. One provision of this act expressly provides that condition shall be corrected and a doctor may have his prescription filled by transmitting it to the druggist by telephone. You know that is a wholesome provision in this bill.

There is another provision that I ask you to consider and to which I wish to invite your attention. If you desire to have a prescription refilled and harmful medicine is not required, then you may carry your prescription or carry your bottle to the druggist and this law will permit the druggist to refill your prescription provided the original prescription did not contain the statement by the doctor that it could not be refilled. You know that will prevent much confusion and loss of time and money on the part of the patient. This provision of the bill makes it easier for the patient to obtain a refill without having to obtain another prescription. Is there anything objectionable to that provision of this bill?

Now, the third provision which I ask you to consider is simply this: We know there are many drugs now being dispensed in this country that are in what we call the harmful classification. Harmful drugs may, in order that the public may receive proper attention, be dispensed only upon a doctor's prescription. There are other drugs that are not considered harmful that may be sold across the counter without a doctor's prescription. But within those two groups of drugs that have just been mentioned, harmful and harmless, there is a zone that is doubtful, and it gives the druggist considerable trouble to know at all times just which drug is harmful and which is not harmful. I say to you that the druggists throughout this country have figuratively speaking been swinging on the jail house door, because they are called upon in the course of their business to dispense drugs, many of them within the twilight zone, and the druggist oftentimes is unable to know whether he is violating the law by selling a drug that perhaps could be classified as harmful, without a prescription, and thus, of course, he would be violating the law.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. CARLYLE. I yield to my friend the gentleman from Texas.

Mr. BECKWORTH. The gentleman has made a very excellent point. The gentleman has heard the gentleman from Minnesota [Mr. O'HARA] say he is going to offer an amendment. Does the amendment he proposes to offer have any bearing on the correction the gentleman says should be brought about right there?

Mr. CARLYLE. I hope I shall have time to answer the gentleman before I conclude.

Mr. BECKWORTH. I am talking about the O'Hara amendment. Does the

gentleman know whether it has any bearing on that which he is talking about in the twilight zone?

Mr. CARLYLE. I tell the gentleman frankly, in answer to his question, I know of but one way to protect the American public and the druggist and that is to furnish the druggists throughout this country a list that will enable them to have some guide, some direction, which will assist them in making the decision as to whether it is harmful or whether it is not harmful.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. CARLYLE. I gladly yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not a fact that if the amendment that is proposed by our colleague on the committee, the gentleman from Minnesota [Mr. O'HARA], is adopted, it would eliminate altogether the efforts to do something about this confusion?

Mr. CARLYLE. I would certainly think so.

Mr. BECKWORTH. Mr. Chairman, if the gentleman will yield further, is there any part of the legislation that the druggists, who seem interested in this bill, seem to want more than the gentleman is talking about?

Mr. CARLYLE. I agree with my friend from Texas. In conclusion, let me insist that we give to our druggists, who are located throughout all sections of this country, the protection that they are now asking for. Give them the right to have some assistance so that they may know that they are not dispensing harmful drugs. This is important legislation. I stated at the beginning of this statement that it touches every home and every person in this country. Let us be positive that we will be guided only to the end that we may afford the best possible protection to the druggists and to the people of this country.

Mr. WOLVERTON. Mr. Chairman, I yield 8 minutes to the gentleman from Michigan [Mr. BENNETT].

Mr. BENNETT of Michigan. Mr. Chairman, I would like to refer to some of the inconsistencies that have been brought into this debate. Some clarification is highly desirable at this point.

Three classes of drugs are covered by this bill. One is the habit-forming or narcotic type of drug. Nobody has any objection to the Federal Security Administrator having all the power in the world to control that type of drug. He has it now. It is being strengthened by this bill, and we have no objection to it. The next category is the new drug, and that has been entirely omitted in this debate. Under present law before a manufacturer can put a new drug on the market he has to go to the Federal Security Administrator and get permission to do it. The label that goes on that drug and whether or not it is a prescription or nonprescription drug has to be approved by the Federal Security Administrator. We do not have any objection to that procedure. That takes care of this new field, this new type of drug, that comes on the market, which may be dangerous, and ofttimes is, and we think that the Federal Security Administrator should have that power.

But what does this bill do? It goes much further. It gives to the Federal Security Administrator authority to classify some 30,000 other drugs that are on the market now, and many of them have been on the market for the last 50 years. There is where we part company with those who sponsored this bill.

There are less than 100 admittedly dangerous drugs being dispensed today. We are providing in this bill authority for the Federal Security Administrator to regulate 30,000 drugs. If he is not going to go into the field of drugs that are now on a nonprescription basis, why does he want this authority? There is no reason in the world for giving him this authority except on the basis that he will use it to take drugs that have been traditionally sold over the counter in the drug stores and in the country grocery stores around this country and put them on the prescription list. If he does not intend to do that, why is he asking Congress for authority to do it?

That is the sum and substance of this legislation. It is not a question of Oscar Ewing or a question of any other administrator. In my judgment, it is a question of whether Congress should delegate this kind of authority to any administrative agency.

What is the situation today? Under present law, the Federal Security Administrator can proceed against any drug manufacturer who he believes is putting out a dangerous drug without a prescription. He can take him into court and prosecute him. He can confiscate the drug. He can proceed against him by injunction. He has several remedies that he can pursue, all of which are effective, and all are in accordance with the standards set up in the law.

What would this bill do? It would simply enable the Administrator to prosecute the druggist or prosecute the drug manufacturer on the basis of regulations which he issues. Not on the basis of the standards set up in the law because, under the provision we are considering, we are giving the Administrator practically autocratic authority to issue these regulations.

This is what will happen. There are thousands of drugs as to which there is considerable difference of opinion, drugs that are being dispensed over the counter today. All the Administrator has to do to put an over-the-counter drug, a nonprescription drug, on the prescription list, is this: He calls in two or three of his medical experts. Everybody knows you can get medical experts to testify on both sides of any question. On the basis of the advice of his own medical experts, he can take a perfectly harmless drug or a drug that for years has been on the market and put it on the prescription list.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. BENNETT of Michigan. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The gentleman started to make a point about what the Administrator could do with respect to harmless drug which have been sold for many years across the counter. He did not make that point. What can the Administrator do about it?

Mr. BENNETT of Michigan. The point is that the bill gives the Administrator complete and final authority to determine what is a dangerous or efficacious drug and what is not.

Mr. CRAWFORD. He does that with his own staff?

Mr. BENNETT of Michigan. In order to determine that, he calls in his own experts. Of course, the manufacturer of the drugs would call in his experts. So you would have three or four experts of the Administrator and three or four experts from the industry. Then the Administrator would make his decision, and of course he would make it on what his own experts said. The right of appeal which is provided here is a mere sham. It is a nullity. The Administrator has evidence upon which to support his finding and the court is powerless to do anything about it. It all boils down to the question of whether you want to fix the standards in the law. We have been willing to take the regulation which the Administrator has had on the books for some years; the regulation which he is proceeding under today, and in substance write that regulation into this bill. Therefore the question of whether a drug is dangerous or not can be decided by a standard written in a statute and when a drug manufacturer or a druggist appeals his case he will have his day in court. Whereas, under this provision, he does not have his day in court and he is simply out of luck.

It is said that this bill will be a boon to the retail druggist. There are many things the retail druggist does not understand about this bill. If this goes into effect there will be thousands of regulations issued by the Administrator listing these drugs. That means the corner druggist will have to get a copy of the Federal Register containing the list of those thousands of drugs and go over his entire inventory item by item and relabel them to conform with any changes made by the Federal Security Administrator. Do you think the corner druggist is going to like that kind of burden. But his troubles only start at that point. Each day thereafter and each week and each month thereafter he will have to refer to the regulations issued by the Federal Security Administrator, to know whether he is on the right track. The druggist is not going to have any additional protection. That is pure baloney. He cannot rely upon the label that is put on by the manufacturer. It is the regulation of the Federal Security Administrator that he must rely on. After this bill goes into effect, before a druggist can sell a single item on his shelf he must refer to this stack of regulations day by day. Do you not think that we have penalized the small-business man enough with OPS regulations and other governmental regulations being inflicted on him from day to day without handing him another package of this kind to swallow? I think

we ought to stop and give this proposal further thought.

The doctor, the druggist, and the pharmacist, none of whom agree as to how this problem should be settled, but all of whom are vitally affected, should know that there are many dangers involved. This bill should go back to the Committee on Interstate and Foreign Commerce for further study and consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CROSSER. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I want to discuss the difference between the minority viewpoint and the viewpoint being sustained by the majority members of this committee.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield.

Mr. WILLIAMS of Mississippi. I wish the gentleman would state that the minority viewpoint is a minority of 4 of some 12 or 15 members of the minority.

Mr. ROBERTS. I thank the gentleman for his statement. The only difference in these viewpoints is that the minority insists on the proposition that there should be on an appeal from the hearing held under the Administrative Procedures Act a trial de novo in the district court. We considered that proposition in our committee and discussed it thoroughly.

I would like to address myself to the minority viewpoint as expressed by the gentleman from Minnesota. We had Judge Harold Stephens appear before our committee and we listened with interest to what he had to say. They brought up a figure of 30,000 drugs which were to be decided in this listing procedure. I do not know where they got the figure, but I am willing to accept it and make no objection to it. With about 94 district courts in this country, and with manufacturers located all over this United States and the Territories, how in the world could you possibly get any uniformity in these decisions?

They accuse us today of attempting to give a bureaucratic group a great deal of additional power. Let me say this: Mr. Ewing is Administrator of three of our governmental Bureaus—the Public Health Service, Social Security Administration, and the Pure Food and Drug Administration. In carrying out the purposes of this act he is bound to be governed by the advice of experts, scientists, and chemists and men in the Pure Food and Drug Administration. As far back as I can remember they have had the power, as far as narcotics is concerned. We are not asking here for anything that is not already in our Government.

Let me point out to you a few examples. We have had administrative procedure before in the early days of our Government, in the Patent Office. It is also true in the Veterans' Administration, the United States Employees Compensation Bureau, the Social Security Board, the Railroad Retirement Board, the Internal Revenue Bureau, the Board of Tax Appeals, and the Selective Service Administration. All of those operate under the Administrative Procedures Act, and, as far as I have been able to find out, appeals from those decisions are made in exactly the same manner that we ask for in this present bill.

Mr. WILLIAMS of Mississippi. Is it not also a fact that the gentleman from Minnesota [Mr. O'HARA], who is opposing the granting of this authority to an administrative bureau, has the same authority and system of procedure in the fur bill which was passed in this House?

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Minnesota.

Mr. O'HARA. My fur labeling bill was to correct rackets. This bill will create one, in my opinion. That is why I am consistent about it.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Arkansas.

Mr. HARRIS. The gentleman does admit that the same procedure is in both bills?

Mr. O'HARA. No; I do not admit it is the same procedure.

Mr. ROBERTS. I will say this to the gentleman: His bill prescribes that the Federal Trade Commission make up a list of furs. They make up a list of regulations and the only appeal in your act would be this type of appeal.

Mr. O'HARA. We did not prescribe for any list. We compelled the fur manufacturer and the fur seller to put on the fur coat what it was—rabbit or ermine or mink or whatever it was.

Mr. ROBERTS. Well, does the gentleman admit that he did give power to a bureaucrat under this bill?

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield.

Mr. HALLECK. The Pure Food and Drug Act, under the requirements of the Labeling Act, the manufacturer must put on the label what he is selling.

Mr. ROBERTS. That is exactly what we are trying to do in this bill today.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CROSSER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. BECKWORTH. The gentleman has just made the statement that the manufacturer of drugs places on the package what the package is. One of the things that has the druggists throughout the Nation disturbed is the fact that the same thing is labeled two ways, and each is different. This bill has for its purpose the making of an uncertain situation in that connection, which exists in thousands of cases, a certain situation.

Mr. ROBERTS. The gentleman is eminently correct, and what we are trying to do in this bill is to nail down the authority somewhere—and the druggists want it nailed down. It reminds me of the old story about the mice holding a convention because the cat was catching too many of them. They agreed that something should be done, that a bell should be put around the cat's neck so they would know of its approach. The trouble was that they could not get any of the mice to put the bell around the cat's neck. They want the cat belled, and it is up to Congress to give the druggists some relief. The druggists of this country want this thing nailed down so they will not be slammed in jail, and that is what we are trying to do in this bill.

The argument is made by the gentleman from Minnesota that the review provided in the bill as approved by the committee is too narrow, and deprives the litigants or parties of their day in Court. To agree with him would be to destroy the benefits that this act seeks to provide. It is estimated in the minority report that there are some 30,000 drug items to be classified. Can you imagine the confusion and delay that would result if each one of these was to result in a trial de novo? I think one of the witnesses from the Food and Drug Administration estimated that it would take 10 years to settle these cases. And I think he was an optimist. There are ample precedents for establishing a list by regulations. Our own Government has since the adoption of the first Federal Food and Drug Act in 1906 done so. Many of the States list these drugs by statute, and Canada does so by regulation.

In a letter from the Honorable Henry P. Chandler to the Honorable ROBERT CROSSER, dated March 29, 1951, this statement is made—pages 6 and 7 of the hearings:

> I would point out that the provision that appeals from the order of the Administrator shall be in the nature of a trial de novo, reverses what has been for 20 years or more a uniform trend in the Federal Government to provide for the hearing and decision of appeals from orders of administrative agencies by the courts of appeals upon the record made before the agencies. This procedure has been repeatedly provided for by the Congress, most recently by a law passed at the end of the Eighty-First Congress and approved December 29, 1950 in relation to the review of certain orders of the Federal Communications Commission, the Secretary of Agriculture, and the United States Maritime Commission (Public Law 901, 81st Cong.)

Those who are opposed to the power given to the Administrator suggest a case-by-case settlement of the dangerous drugs and new drugs. The implications and dangers of such a policy are readily apparent. I would like to call your attention to the arguments put forth in the majority report contained on page 10:

First. First the administrative decisions will involve only the drug manufacturers, those who are primarily interested. It would not involve the retail druggists whose only interest is to obtain certainty as to how they may sell given drug.

Second. The duty of determining what is a prescription drug is, by its nature a legislative or rule-making function, unsuited for solution, solely through the judicial process.

Third. The authority is entirely consistent with the action of the Congress in 1938 when the Administrator was given the authority to list habit-forming derivatives of the drugs named in section 502 (d), and it has not been suggested

that this authority has been abused. Attention is further directed to the fact that many States so list by regulation, and the Dominion of Canada.

Fourth. The judicial review provisions afford adequate protection against arbitrary and unjustified action on the part of the Administrator.

Fifth. The proposal of the drug manufacturers that the listing proceed on the case-by-case basis would result in great confusion. Manufacturers situated in different locations and proceeding in different district courts would obtain different results adding up to general confusion. There are more than 80 Federal district courts. With or without juries no uniformity could be obtained.

Sixth. Delay that would result would be injurious to the general public. The sex hormone case took 2 years to settle.

Mr. WOLVERTON. Mr. Chairman, I yield the balance of my time to the gentleman from Maine [Mr. HALE].

Mr. HALE. Mr. Chairman, this bill, as I think most of the Members now realize, represents a very sincere, conscientious, and rather arduous attempt on the part of the Committee on Interstate and Foreign Commerce to cope with very serious problems in the dispensing of drugs.

The three problems which presented themselves to the committee were: First, that of the oral prescriptions; second, that of the refill, so-called; and third, that of the matter of dispensing dangerous and habit-forming drugs. All of these questions concern the responsibilities and hazards of the druggist. They also concern the safety and convenience of the drug-buying public. The committee tried to give due regard to the welfare of the druggist and the consumer. They also listened at length to testimony of drug manufacturers.

I should have thought in my innocence that there was a good deal to be said for the rule against any kind of oral prescription on the ground that oral prescriptions are subject to misunderstanding, but the unanimous testimony of the drug industry, of the druggists, the drug manufacturers, and everybody who came before our committee was that oral prescriptions should be permitted.

Much of the trouble about refills came from the speech made by Mr. Paul Dunbar at a convention in Atlantic City in 1948 when he said that the prescription, once it had been filled, was like a paid and canceled check; it had lost all its force, all its validity, and you had to go back to the doctor to bring such a prescription back to life.

Mr. NICHOLSON. Mr. Chairman, will the gentleman yield?

Mr. HALE. I yield.

Mr. NICHOLSON. Was that the reason they made it so that anybody who wanted another prescription had to pay another $3 to the doctor?

Mr. HALE. That is the kind of thing we are trying to avoid in this bill. I think the bill offers a very adequate and satisfactory solution of the problem of the oral prescription, and the problem of the refill. All the controversy comes over the provisions protecting the public and protecting the druggist in the case of the dangerous and habit-forming drugs.

I was in the minority in the committee; I was one of four who voted for the form of bill which the American Drug Manufacturers advocated that gives no administrative discretion to the Federal Security Administrator to list dangerous and habit-forming drugs. If you do not put that provision in the bill, to be sure, you will have the druggist in a state of some uncertainty, which is what the majority members of the committee were worried about. On the other hand, that uncertainty does not seem to me to be too serious because, if a druggist is worried as to whether a drug he is selling is dangerous and habit forming, he can refuse to sell it without prescription and thus keep himself in a position of safety.

Mr. WOOD of Idaho. Mr. Chairman, will the gentleman yield?

Mr. HALE. I yield to the gentleman from Idaho.

Mr. WOOD of Idaho. Is it not a fact, sir, that habit-forming drugs are no part of this bill at all, that they are under the Harrison antinarcotic law?

Mr. HALE. I must confess to the gentleman I am not too familiar with the provisions of the Harrison antinarcotic law.

Mr. WOOD of Idaho. I believe that is the fact.

Mr. HALE. There are provisions of the Food and Drug Act of 1938 in reference to habit-forming drugs. I refer specifically to section 502 of the Food and Drug Act of 1938.

Mr. WOOD of Idaho. Nembutal and such drugs are spoken of as habit-forming drugs when as a matter of fact they are not habit-forming drugs.

Mr. HALE. That is precisely the situation which presents difficulties, because drugs which some people regard as dangerous and habit-forming are not so regarded by others.

Mr. Chairman, I am in favor of this bill in its present form. I would be more in favor of it with paragraph (B) on page 5 stricken out. Of course, if you strike out that paragraph, then it follows that you must strike out the paragraph relating to appeals on page 7 due to the fact that there is no necessity for appeals if you have no administrative discretion in the Federal Security Administrator. If you do have any kind of discretion in the Federal Security Administrator, you cannot draw your appeal provisions too carefully, and this appeal provision is very carefully drawn.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. HALE. I yield to the gentleman from Illinois.

Mr. MASON. Do I understand that the gentleman approves two provisions of the bill but disapproves of the other and that in spite of the fact there is one section of the bill the gentleman disapproves of he feels the over-all picture is such that it would be better to adopt the bill and swallow the part that he does not approve of?

Mr. HALE. The gentleman characterizes my position fairly accurately. I think that the present state of the law is so unsatisfactory to the druggist and the consumer that the Congress must legislate to clear it up. It should do so without delay.

Mr. HESELTON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HESELTON. Mr. Chairman, this legislation, as recommended by the Committee on Interstate and Foreign Commerce by a vote of 19 to 4, is a carefully considered proposal in a field which is admittedly difficult and technical.

Legislation was proposed in substantially the same form as H. R. 3298 in the second session of the Eighty-first Congress.

The committee held hearings on 5 days, two being full-day sessions. Its consideration of the legislation in executive session covered 7 days. The bill itself, as reported, is clear evidence of the efforts made by the committee to present to the House as sound and workable legislation as could be devised.

So far as I know, there is little, if any, objection to the provisions authorizing oral prescriptions or refills of prescriptions. Consequently, I would like to discuss briefly the provisions for establishing a list of drugs and the provision for judicial review.

Admittedly, the provision for establishing a list of drugs gives rise to the main controversy which exists as to this bill.

The National Association of Retail Druggists, representing some 35,000 retail drug-store owners throughout the Nation, supports this provision.

The American Pharmaceutical Association, which is described as a national, nonprofit, professional body of pharmacists, pharmaceutical educators, law-enforcement officials, research workers, and others interested in the protection of public health and the prevention and treatment of disease, is opposed to this provision. That is also true of the American Pharmaceutical Manufacturers Association, which has over 200 members in this country and in Canada; of the American Drug Manufacturers Association, which has 67 members, a list of which is included at page 150 of the hearings; and of the Proprietary Association, which consists of about 150 members.

However, I think it should be made clear that in connection with the opposition expressed by the American Pharmaceutical Association there is clearly a difference of opinion among its membership.

First, when Mr. Robert P. Fischelis, secretary and general manager of the association, was testifying before the committee I inquired if it was not a fact that the National Association of Retail Druggists included in its membership a great many pharmacists, and he replied that it did. It is, therefore, obvious that those pharmacists who support the position of the National Association of Retail Druggists are in disagreement with the American Pharmaceutical Association.

Next, I am sure that we all have had indications of differences of opinion among the pharmacists as to the position taken by their national association.

The gentleman from Washington [Mr. MITCHELL] brought that to our attention forcibly yesterday afternoon when he included in the RECORD the telegram which reported that the pharmacists of the State of Washington, in convention at Yakima, unanimously endorsed the bill, and when he included similar endorsements from the dean of the College of Pharmacy at the University of Washington and the professor of pharmaceutical chemistry at that university. These will be found at page 9236 of the RECORD.

Further evidence of this disagreement appears in the telegram at page 9240 of the RECORD from the secretary of the Illinois Pharmaceutical Association to the gentleman from Illinois [Mr. SABATH] urging that a rule be granted on this bill.

I assume that all of us have received telegrams from people who are sincerely in opposition to this provision, using almost identical language, to the effect that the one who sent the telegram "is vigorously opposed to subparagraph (B) of paragraph (1) of this bill" and describing it as containing "unnecessary and arbitrary powers proposed to be granted to the Federal Security Administrator."

I think there is no question but that the granting of any extensive power to the present Federal Security Administrator immediately gives rise to serious concern in the minds of a great many people. However, it seems clear to me that if we are to accomplish anything in a field which admittedly requires definite and affirmative action, we must recognize that some agency must be given the power to do such things as will eliminate, as far as humanly possible, the confusion and uncertainty which now prevails.

During the executive consideration of the bill I tested the possibility of providing for action by the professional and trained group charged with the day-to-day administration of the Food and Drug Act, but I must admit that I think any such proposal could not stand the test of considered action. Rather, I think we must accept the factual situation which exists and rely upon the probability that these professional and competent people will, in large measure, do the actual work involved and upon what I believe to be a completely satisfactory provision for judicial review. Beyond that, is the clear fact that should there be any instances of arbitrary, unwise or unsound administration, Congress can and undoubtedly would take prompt remedial action.

I think I should add that the hearings disclosed an attitude on the part of the Administrator which is certainly commendable. He repeatedly emphasized that while the situation could be partially dealt with through regulation and, in fact, furnished the committee with the text of a regulation which was under consideration, he felt the subject was of such importance and of such complexity that he believed it ought to be dealt with in a comprehensive way, by legislation rather than by administrative regulation.

There is another phase of this problem which has seemed to me to be of great importance. Under the situation prevailing now the druggists and pharmacists find themselves in a position where they are constantly confronted with the possibility of criminal prosecution or seizure in order to determine the legality of their action in selling certain drugs. It seems to me obviously preferable and in the clear interest of the druggists, the pharmacists, the physicians, and the public generally, that instead of a prolonged series of criminal prosecutions or seizures in order to distinguish between prescription drugs and over-the-counter drugs, the over-all recommendation of the committee should carry great weight with the membership of this House. In that connection I recommend reading three paragraphs of the committee report at pages 9 and 10 entitled "Proposed Statutory List," "Case-by-Case Judicial Determination," and "Considerations Which Influenced the Committee's Decision."

The provision for judicial review is a vitally important part of this legislation. Under the amended bill, the provisions of section 701 (f) and (g) of the present law will insure that any interested person may obtain judicial review by a United States court of appeals and, upon certiorari, by the Supreme Court of the United States.

As a result of the recent decision of the Supreme Court of the United States in the Universal Camera Corp. against NLRB, there is very definite guaranty now that the reviewing courts are not limited to a mere finding in the record of evidence which, when viewed in isolation, substantiated the administrative agency's finding but, rather, they are required to review the case upon the whole record in making a determination where the administrative ruling is supported by substantial evidence. The testimony of Hon. Harold M. Stephens, Chief Judge of the United States Court of Appeals for the District, is extremely important and I am certain was considered by every member of the committee as a most effective contribution to the consideration of this phase of the bill. All of his testimony will be of value to anyone who is concerned about the problem of arbitrary or capricious action by administrative agencies without the possibility of adequate review in our courts.

In conclusion, and in connection with this phase of the problem, I wish to quote four paragraphs from his testimony which I am convinced constitute a very important part of the legislative history of this bill and, in fact, provide a most thoughtful expression from one of our ablest jurists. The quotation follows:

> I wish to add, if I may, that I am in sympathy with the requirements of Congress in the Administrative Procedure Act, and I am sure that all judges in the district courts and circuit courts of appeal are fully in sympathy with the requirements of the Congress in the Administrative Procedure Act. Wherever we do review the action of the commissions we do so upon the whole record in determining whether the administrative ruling is supported by substantial evidence.
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> While I had to obey the rule, because I am bound by the decisions of the Supreme Court as a circuit judge, I did not at all sympathize with—and I am sure I reflect the view of the whole circuit court of appeals when I say we did not at all sympathize with restricted powers of review accorded to us by the earlier decisions of the Supreme Court. But the Supreme Court has recanted and confessed its error in those respects in these two recent cases—the Universal Camera and the Pittsburgh cases. And the Congress has also corrected the rule governing our scope of review in the Administrative Procedure Act. * * *
>
> I would like to add just this, before I close: I can assure you that the circuit courts of appeal of this country, who are the courts of last resort in the Federal system except in the few cases that go to the Supreme Court, feel a very real responsibility in dealing with these commission appeals. We feel the same responsibility we do in reviewing the decisions of the United States district courts, to see to it that the litigants have had a fair hearing and that the Administrator's findings are supported by substantial evidence and are not arbitrary.
>
> I might remind you that in the Administrative Procedure Act passed by this Congress, in the review section it has been made necessary for the circuit courts of appeals to go as far as this. You have said to us: "So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence." So we do have, imposed by you, a solemn responsibility, and I assure you we discharge it with deliberation and pains.

Mr. CROSSER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, I want to first preface my remarks by saying this bill is sponsored and introduced by the distinguished gentleman from North Carolina [Mr. DURHAM], one of the outstanding Members of this House, one who is a druggist and a pharmacist.

Mr. Chairman, it seems to me that we have gotten into a lot of discussion that is not pertinent to the provisions or purposes of this bill. I want to say this, that your committee studied this bill; they had executive sessions on this bill; this bill was discussed thoroughly; it came out of your committee with a vote of 19 to 4. There were four who were not in accord with the provisions of this bill.

In order that we might see what we are doing here, let us see what the present law is and just what we want to do. In the first place, under the present act there is confusion in the administration of this law even among the manufacturers, because some of them put out a drug that is to be dispensed only on the

prescription of a doctor, whereas on that same identical drug, if it is made by another manufacturer, it can be sold over the counter. Now, this confusion must be righted here.

Here is another thing. Under the present law you cannot have a prescription refilled unless the doctor, who gave that prescription, says it is refillable. Now, we have incidents like this. Here is a farmer or a merchant who goes to the doctor and he possibly wants to get aspirin—I am using that as an example—and he is given a prescription for aspirin. Unless the doctor says this is refillable—and of course, the farmer does not know what it is—he cannot go back there to the pharmacist or the druggist and have it refilled under the present law. Now this law that we are trying to establish here will permit those prescriptions to be refilled if the medicine is not dangerous, or if it is not toxic or it is not a habit-forming drug. Now that is one thing.

Another thing under the present law, you take doctors, you cannot always get to them; you cannot always get to the druggist, and they cannot telephone in to the druggist for the prescription. They cannot telephone the prescription to the druggist under the present law, and that should be corrected. This law corrects that; he is permitted to do that, with this proviso, that it be immediately written down, so the druggist has a record of what the prescription is, so in the event there is any harmful result coming from the prescription you can lay the blame where it belongs. That is another thing. Under the present law, that also is up to the Administrator. When a druggist or pharmacist sells some drug without a prescription, a drug that is dangerous or that is habit-forming, the Administrator has to go down there and prosecute that man. Under this law the druggist or the pharmacist will know before he sells it whether it is a prescription drug, or whether it is a drug that can be sold over the counter.

Those are the things we are trying to cure. Is there anything objectionable to that? The American Medical Association did not object to this bill. We had weeks of hearings on it, and they did not come in there and object to any provision of this bill.

This seems to me to be a bill with some virtue attached to it, with some merit to it. It is a bill that is endorsed by the druggists and the pharmacists. This is a bill which will bring some remedy into the present situation which we find ourselves in, and I hope that this House will adopt it.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this bill is much needed legislation. What the American druggist is seeking is certainty in dispensing drugs. The bill as written will give him certainty. If the language in subsection (b) (1) is eliminated and the O'Hara language is substituted therefor, all of the certainty that is given to the druggist in this bill will be removed, and the druggist will find himself in the same predicament in which he finds himself under the present law.

Mr. KLEIN. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from New York.

Mr. KLEIN. Just to clear up an uncertainty here, and I know it has been stated by the gentleman and by many Members on the floor, is it not a fact that this legislation if enacted would benefit the small-business man, the small druggist, throughout the country?

Mr. WILLIAMS of Mississippi. Not only would it benefit the small druggist but it would also afford protection to the public against the dangers of buying toxic drugs over the counter.

Mr. KLEIN. Does not a relative of the gentleman, I believe his father, run a small drug store?

Mr. WILLIAMS of Mississippi. Yes; but I am not taking part in this debate on the basis of setting myself up as an expert by any means; I am not a druggist.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Michigan.

Mr. MEADER. If the language could be so drafted as to protect the druggist without giving dictatorial power to the Federal Security Administrator, would the gentleman object to such an amendment?

Mr. WILLIAMS of Mississippi. That is what the bill does. I am supporting the language that is in the bill, because it does the very same thing the gentleman seeks to do, that is, to delegate this authority to the Administrator and then tie his hands so that he cannot abuse that authority.

The CHAIRMAN. All time has expired.

The Clerk will read the bill for amendment.

Mr. HARRIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRIS. Mr. Chairman, is it not a fact that the substitute bill will be read in its entirety before amendments will be in order?

The CHAIRMAN. The gentleman is correct.

The Clerk read as follows:

Be it enacted, etc., That subsection (b) of section 503 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended to read as follows:

"(b) A drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of section 502, except paragraphs (a), (i) (2) and (3), (k), and (l), and the packaging requirements of paragraphs (g) and (h), if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription, or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail or otherwise without examination of the patient. If the drug is intended for use by man and—

"(1) is a habit-forming drug subject to the regulations prescribed under section 502 (d);

"(2) has been found by the Administrator, after investigation and opportunity for public hearing, to be unsafe or ineffective for use without the professional diagnosis or supervision of a practitioner licensed by law;

"(3) if an effective application under section 505 limits it to use under the professional supervision of a practitioner licensed by law, such exemption shall apply only if such drug is dispensed upon a written prescription of a practitioner licensed by law to administer such drug or upon an oral prescription of such practitioner which is reduced to writing and filed by the pharmacist; or is dispensed by refilling a prescription if such refilling is authorized by the prescriber in the original prescription or by oral order and such order is reduced to writing and filed by the pharmacist.

"The Administrator may by regulation remove drugs subject to section 502 (d) and section 505 from the provision of this subsection when such requirements are not necessary for the protection of the public health.

"A drug which is subject to clause (1), (2), or (3) of this subsection shall be deemed to be misbranded if at any time prior to dispensing its label fails to bear the statement 'Caution: Federal law prohibits sale or dispensing without prescription.'

"The act of dispensing a drug contrary to the provisions of this subsection shall be deemed to be an act which results in the drug's being misbranded while held for sale.

"Any interested person may file with the Administrator a petition proposing the addition to, or deletion from, the list of drugs promulgated by the Administrator in accordance with clause (2) hereof. Such petition shall set forth the proposal in general terms and shall state reasonable grounds therefor. The Administrator shall give public notice of the proposal and an opportunity for all interested persons to present their views thereon, orally or in writing, and as soon as practicable thereafter shall make public his action upon such proposal. At any time prior to the thirtieth day after such action is made public any interested person may file objections to such action, specifying with particularity the changes desired, stating reasonable grounds therefor and requesting a public hearing upon such objections. The Administrator shall thereupon, after due notice, hold such public hearing. As soon as practicable after completion of the hearing, the Administrator shall by order make public his action on such objections.

"An order so issued by the Administrator may, within 90 days after its issuance, be appealed by any interested person in accordance with the provisions prescribed in section 701 (f) and (g) of this Act, except that an appeal from the Administrator's order issued hereunder shall be in the nature of a trial de novo, without presumptions in favor of either party to such appeal.

"The provisions of this section of the act shall not be applicable to drugs now included or which may hereafter be included within the classifications stated in section 3220 of the Internal Revenue Code (26 U. S. C. 3220), or to marijuana as defined in section 3238 (b) of the Internal Revenue Code (26 U. S. C. 328 (b))."

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That subsection (b) of section 503 of the Federal Food, Drug,

and Cosmetic Act, as amended, is amended to read as follows:

"'(b) (1) A drug intended for use by man which—

"'(A) is a habit-forming drug to which section 502 (d) applies; or

"'(B) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, has been determined by the Administrator, on the basis of opinions generally held among experts qualified by scientific training and experience to evaluate the safety and efficacy of such drug (and, where a public hearing is required by paragraph (5), on the basis of evidence adduced at such hearing by such experts), to be safe and efficacious for use only after professional diagnosis by, or under the supervision of, a practitioner licensed by law to administer such drug; or

"'(C) is limited by an effective application under section 505 to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only (i) upon a written prescription of a practitioner licensed by law to administer such drug, or (ii) upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist, or (iii) by refilling any such written or oral prescription if such refilling is authorized by the prescriber either in the original prescription or by oral order which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in the drug being misbranded while held for sale.

"'(2) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of section 502, except paragraphs (a), (l), (2), and (3), (k), and (l), and the packaging requirements of paragraphs (g), and (h), if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber, and, if stated in the prescription, the name of the patient, and the directions for use and cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail or otherwise without examination of the patient or to a drug dispensed in violation of paragraph (1) of this subsection.

"'(3) The Administrator may by regulation remove drugs subject to section 502 (d) and section 505 from the requirements of paragraph (1) of this subsection when such requirements are not necessary for the protection of the public health.

"'(4) A drug which is subject to paragraph (1) of this subsection shall be deemed to be misbranded if at any time prior to dispensing its label fails to bear the statement "Caution: Federal law prohibits dispensing without prescription." A drug to which paragraph (1) of this subsection does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement quoted in the preceding sentence or any other statement which represents or implies that the dispensing of the drug without the prescription of a licensed practitioner is prohibited.

"'(5) Any interested person may file with the Administrator a petition proposing the making of a determination, or the modification of a determination made or proposed to be made, by the Administrator pursuant to subparagraph (B) of paragraph (1). The filing of a petition for the purpose of opposing a proposed determination that a drug is one to which such subparagraph (B) applies shall stay the operation of paragraph (1) with respect to such drug until a petition for judicial review can be filed and interim relief sought under section 10 (d) of the Administrative Procedure Act. The petition shall set forth in general terms the proposal contained therein, and shall state reasonable grounds therefor. The Administrator shall give public notice of the proposal made in the petition and shall give to all interested persons a reasonable opportunity to present their views thereon, orally or in writing, and as soon as practicable thereafter shall make public his action on the proposal. At any time prior to the thirtieth day after such action is made public, any interested person may file with the Administrator objections to such action, specifying with particularity the changes proposed, stating reasonable grounds therefor, and requesting a public hearing for the taking of evidence of experts who are qualified by scientific training and experience to testify on the question of whether the drug in question is safe and efficacious for use only after professional diagnosis by, or under the supervision of, a practitioner licensed by law to administer such drug. The Administrator shall thereupon, after appropriate notice, hold such public hearing. As soon as practicable after the hearing, the Administrator shall make his determination and issue an appropriate order. The Administrator shall make his order only after a review of the whole record and in accordance with the reliable, probative, and substantial evidence, and shall make detailed findings of the facts on which he based his order. Such order shall be subject to judicial review in accordance with the provisions of section 701 (f) and (g).

"'(6) Nothing in this subsection shall be construed to relieve any person from any requirement prescribed by or under authority of law with respect to drugs now included or which may hereafter be included within the classifications stated in section 3220 of the Internal Revenue Code (26 U. S. C. 3220), or to marihuana as defined in section 3238 (b) of the Internal Revenue Code (26 U. S. C. 3238 (b)).'

"SEC. 2. The provisions of this act shall take effect 6 months after the date of its enactment."

Mr. ROBERTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 5, line 11, strike out "and efficacy"; and on page 5, lines 14 and 15, and page 8, lines 13 and 14, strike out "and efficacious for use only after professional diagnosis by, or under the supervision of," and insert "for use only under the supervision of."

Mr. ROBERTS. Mr. Chairman, when this bill was being considered in committee there was quite a difference of opinion as to the meaning of the word "efficacy" and the meaning of the word "efficacious." Webster's dictionary defines efficacious to mean possessing the quality of being effective. Many of us feel perhaps that is too broad and in fact many of us voted to strike those words out in committee. I feel the bill will be just as good and will accomplish the same purpose and will answer some of the objections being made along the line that we are giving too much power to the Administrator.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield.

Mr. WILLIAMS of Mississippi. I am in accord with the gentleman's amendment as I think practically every other member of the committee now is. Of course I cannot speak for the committee but the committee took action on this language and voted to leave the language in the bill. However, subsequent developments, I believe, have shown that language is superfluous and should be taken out. There has been a great deal of dispute over the words "efficacy" and "efficacious." The objections to those words are based on fears that the Federal Security Administrator would have the power to ban drugs from the market entirely if he decided that they are not efficacious. The majority report pointed out that such was not the intention of the bill and that the objections arise because of the failure to read the entire language of the paragraph. The purpose was to require that drugs which are not poisonous but which are nevertheless unsuitable for use by laymen must be dispensed on prescription only. I hope this amendment will not meet with any opposition. I feel that this amendment eliminates the dangers which are anticipated in this bill by the gentleman from Minnesota, that is, the granting to the Federal Security Administrator of improper or unwarranted authority.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield.

Mr. HESELTON. I think it might be helpful to anyone who is doubtful about the wisdom of this amendment if I call attention to the fact that when this mater was discussed with Mr. Ewing he finally said as to these words, "We think this adds something to the protection of the bill, but it is nothing I would die for." In other words, they themselves admit there is a question as to the desirability of having these words in the bill. Personally it seems to me that we should go ahead with the provisions with regard to safety and that we might well postpone action on this doubtful use of these words which the gentleman seeks to strike out.

Mr. ROBERTS. I thank the gentleman for his remarks.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'HARA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this bill was originally sold to you as the perfect bill. What has just happened illustrates that my distinguished committee has now changed its mind or at least a part of the membership of it has changed its mind on the question of amendments that it is desirable to have in the bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. WILLIAMS of Mississippi. The gentleman knows I supported the amendment to take the word "efficacious" out of the bill in committee.

Mr. O'HARA. That is one of the objections I have to the bill. But I have an amendment which I think will do a much better job than the amendment offered by the gentleman.

Mr. WILLIAMS of Mississippi. The gentleman agrees that the position we have taken is that this language should be stricken out of the subsection in which it presently appears in the bill; does he not?

Mr. O'HARA. I think it is a fair comment to say it illustrates that one of the

members of the committee is now unhappy about the language and that the gentleman from Mississippi [Mr. WILLIAMS] who has been most active in charge of this bill is unhappy about some of this language. I am unhappy about some more of it and as soon as this amendment is disposed of I hope to offer an amendment which will get at the meat of this thing.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. BENNETT of Michigan. The reason they are unhappy about it is the very point we have tried to make—because it gives too much authority to the Federal Security Administrator. I think the gentleman from Mississippi [Mr. WILLIAMS] will admit that.

Mr. O'HARA. He so stated, as I understood him.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Massachusetts.

Mr. HESELTON. I am sure the gentleman would agree that it is only fair to the members of the committee which considered this bill to state that I submitted a motion to strike those words from the bill, and that there was a very close vote. So that it was pinpointed to these very words.

Mr. O'HARA. The gentleman is correct.

Mr. PRIEST. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the distinguished gentleman from Tennessee.

Mr. PRIEST. I just want to state, along with the gentleman from Massachusetts [Mr. HESELTON], that I supported the amendment in the committee to strike the words, and I think they should go out.

Mr. O'HARA. Let me say to the gentleman from Tennessee [Mr. PRIEST] that I think he is a little bit troubled about section 5 also. I hope he will give me the same support on my amendment. I intend to offer the amendment which I indicated in my previous remarks. I am not speaking for the gentleman's conscience, because I know he is very honest about it.

Mr. WOLVERTON. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from New Jersey.

Mr. WOLVERTON. The thought has been expressed several times that some members of the committee were unhappy, after further consideration, about having the words now under consideration in the bill. I do not think it is a question of happiness or unhappiness that suggests this amendment. I think the amendment is suggested to make those who are opposed to the words a little happier by striking the words out of the bill.

Mr. O'HARA. I have in mind that some of the 19 Members who strongly supported the bill are now anxious to amend it.

I trust the amendment will be voted down, so that we can get to my amendment correcting the entire subsection (b) and this obnoxious subsection (5). I will say that striking out the word "efficacy" makes it a little more palatable, but not palatable enough.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Michigan.

Mr. CRAWFORD. To what group of people does the language on line 10, page 5, refer, where it says: "Experts qualified by scientific training and experience"?

Mr. O'HARA. I will tell you what that means. That means that you are giving to the Administrator the right to call in anybody; and he determines who is the expert, does he not?

Mr. CRAWFORD. That is my understanding.

Mr. O'HARA. Of course. He is going to take his opinion, and when he makes that decision you will never get a reversal in any circuit court or Supreme Court in the United States.

Mr. CRAWFORD. May I ask one other question?

Assuming that a man with great experience and scientific training did attempt to say that a drug was efficacious: On what ground can he do that? What scientific knowledge gives him the ability to say that a certain drug will cure my cold when my cold might be caused by something he knows nothing about?

Mr. O'HARA. The gentleman has opened the way to a realm of speculation that is as vast as the heavens. A drug which might be efficacious to the gentleman might be deadly to me.

Mr. CRAWFORD. Certainly. Anybody who has dealt with drugs or who has bought patent medicines, hydrocol, or otherwise, without diagnosing the case, these scientific men cannot tell. We have thousands of them under the soil now who were put there by men who did not know what they were doing.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. O'HARA] has expired.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is quite obvious that because of the technicality of this legislation there is a great deal of confussion. I can readily understand that. This committee wrestled with this problem for many, many weeks. The very word in question here, "efficacy" or "efficacious," was a matter of discussion over a long period of time.

I respect the views of the gentleman from Minnesota [Mr. O'HARA] and those who are opposed to the provisions of this bill affecting the determination of what drugs will be safe and dispensed over the counter or by prescription. When this motion to strike out this word was offered in committee, I voted against it. There is some question as to the effect of it. It is a highly technical provision. I will say to my colleagues that in my opinion you do not understand just the meaning of it. Take the word as presented to us here as it applies to the Food and Drug Act, it has a lot of meaning in the legislation. In my opinion because of the history behind it and as in the regulation administered by the Food and Drug people it adds something to the Food and Drug Act. I am not going to oppose striking it out, because after further consultation with so many who feel that it would have a different application, I think perhaps time will prove to us that it may be necessary to change the definition in the Food and Drug Act of the word "safe" and the Congress is going to have to do it.

Under the definition of the Food and Drug Act of the word "safe" it applies to poisonous drugs, those drugs that are toxic; and anyone knows—and I am not an expert in the drug business—anyone knows there are many drugs on the market that are not poisonous, that are not toxic, but yet they would have an ill effect upon a human being.

I may also say that if this word is stricken out, which it probably will be, it may very well be necessary that we come back in here at a later time and redefine the word "safe" in the interest and the protection of the public.

There has been a lot of confusion about just what this means, the whole act itself; and I think the debate has been very helpful. Certainly they are questions for argument. But when the question is finally resolved this issue means: Are you going to adopt legislation that will provide someone with the authority to determine after obtaining information from the experts in the field what is best for the general public? Or are you going to leave it to the commercial interests? That is the whole issue that we have before us here to determine. Certainly I am not for giving some administrator or bureau wide latitude and authority to impose himself upon any commercial interest or the people——

Mr. SMITH of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am interested in just what the gentleman is interested in, the protection of the people of this country.

I yield to the gentleman from Wisconsin.

Mr. SMITH of Wisconsin. Why is not that a matter for the States to determine?

Mr. HARRIS. The States cannot possibly determine that because manufacturers of drugs ship in interstate commerce, and the States could not possibly control it.

Mr. SMITH of Wisconsin. We have State control now to a considerable degree.

Mr. HARRIS. This does not affect that.

Mr. HESELTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think it is only fair and may be helpful to the Members who are seriously concerned about the situation which does in fact affect the druggists and pharmacists of this country as well as the general consuming public, if further attention is given to the charge that it might be possible for Mr. Oscar Ewing somehow or other, under the terms of this bill, arbitrarily to make a determination based upon testimony or opinions of a loaded set of experts as to the listing of a drug.

I know, and I want to stress this again, that this bill came out of committee by a vote of 19 to 4. I have the highest regard for my four colleagues on my own side of the House who differ

with the majority of the members of the committee. They have had a full opportunity this afternoon to explain their position. I think it may only be fair for some of the rest of us who worked on this bill to try to clear up some of the existing confusion.

What we are talking about is found in this language on page 5:

Because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, has been determined by the Administrator—

Certainly he has to make a determination. Somebody has to. I do not believe there is any other way by which we can provide for its determination except through some official in the executive department; we gave some consideration to a legislative list but decided that was impossible.

Then the bill continues—

on the basis of opinions—

Not the opinions of the department's executives but of opinions—

generally held among experts qualified by scientific training and experience to evaluate the safety and efficacy of such drug.

What does that mean? Every reputable drug manufacturer in this country has a staff of recognized experts. You know and I know that all of the colleges of pharmacy have a staff of recognized experts. There are textbooks, many of them recognized as authoritative. Now, all that is what the committee intended should be taken into account when these determinations are made.

Then further:

Where a public hearing is required by paragraph (5), on the basis of evidence adduced at such hearing by such experts.

What experts? Not only the experts of the department but experts from private life, from private industry, from educational institutions, experts who have an established reputation in the field.

Going one step further, I wish there was time for you to examine all of the testimony. There is provision for judicial review, which my colleague from Minnesota admits is tied up with this. In a case decided in the United States Supreme Court in February of this year there has been a sharp change in review procedure. There is now an absolute and a definite requirement that the reviewing court shall take into consideration the entire record, not what we had to contend with before, where it could simply find that the administrative agency's ruling was correct if there was any evidence in support of it. If you will read the testimony of Chief Justice Stephens of the circuit court of appeals I think you will be impressed with the fact this committee has sought to surround action by this particular agency with every kind of a safeguard it could think of.

I suggest that all this talk, all of this fear that has been expressed this afternoon because Oscar Ewing happens to be the present individual who would have to put his name to some sort of determination is something that is unwarranted. We know that all of the druggists are begging for action on this. Yesterday we had telegrams presented to us from pharmacists in the State of Washington and another from the State of Illinois in reference to the matter urging enactment of the committee bill. I know the members of the committee realize that there are many pharmacists who feel this is absolutely necessary. We have no authentic information that any physicians are opposed to it.

I think the major problem that confronts us is that we have a situation that is confusing and uncertain, which can only be determined by a series of criminal prosecutions or seizures or injunctions and harassment of the druggists and pharmacists of the country. I suggest that the basic reason for our support of this legislation should be in the interest of public health and the general welfare of the people who must depend on us to provide sane and constructive legislation.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield to the gentleman from Texas.

Mr. BECKWORTH. One of the important reasons why the druggists throughout the country want this legislation may be found on page 96 of the hearings. There is a list of well over 100 or 150 who have been convicted for the over-the-counter sale of drugs, many of these people, I dare say, selling them innocently. They do not like it and they want it changed.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. KERSTEN of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KERSTEN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield to the gentleman from Wisconsin.

Mr. KERSTEN of Wisconsin. I would like to ask the gentleman a question with reference to his argument relating to the phrase "opinions generally held among experts." May I ask the gentleman who makes the determination as to what these opinions are? Is it not the Administrator?

Mr. HESELTON. The Administrator, of course, subject to review of the court on a much broader scale than had been in existence prior to February of this year.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield to the gentleman from Michigan.

Mr. BENNETT of Michigan. What is there to review if the Federal Security Administrator has three experts and the drug industry has three experts?

Mr. HESELTON. I have already indicated the nature of the expert testimony and opinions. Then the courts have to review the full record, as the gentleman well knows, and they now have to make a decision taking into consideration the full record.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in regard to the question the gentleman asked, here is the scope of a review under the Administrative Procedures Act:

(e) So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 1006 and 1007 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party, and due account shall be taken of the rule of prejudicial error.

I hope that answers the gentleman's question.

In support of the amendment offered by the gentleman from Alabama, I would like to ask the gentleman from Minnesota a question: Is it not a fact that he purposely left the words "efficacious" and "efficacy" out of the amendment which he will offer a little later on?

Mr. O'HARA. I suppose when we come to that and dispose of this it is not important. Of course, I am leaving it out. I am rewriting the whole section. As long as the gentleman is talking about this review business, does he know that one of the food and drug provisions on appeals provides as follows: "The findings of the Administrator as to the facts, if supported by substantial evidence, shall be conclusive," which means that there is practically no review at all?

Mr. WILLIAMS of Mississippi. The gentleman knows that the court has a right to determine whether the Administrator's decision is based on substantial evidence, and if it is based on substantial evidence the decision cannot be questioned.

Mr. Chairman, I ask for a vote on the amendment and hope that it will be adopted.

Mr. MILLER of Nebraska. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I can see that this is a rather complicated bill. I might say that the committee appointed by the House, the Special Committee on Foods, Fertilizers, and Chemicals, has been holding some hearings over a period of more than a year now and has been wrestling with some of the problems we

have in this bill. For instance, in the bread hearings, as to whether or not softeners in breads and certain chemicals were harmful. We came to this determination, while we have not presented any legislation, we thought instead of leaving it up to an administrator to make a decision of vast importance, that would have such wide effect on industry and upon the public, that perhaps a board should be set up, a board of experts, who would make the decision for the administrator. In any law or any legislation you pass, there must be someone who is going to make decisions.

Coming back to our hearings on the use of chemicals, pesticides, and fertilizers, do you know that there are nearly 800 chemicals knocking at the door of the food industry for admission? Some 400 of them have been investigated. There are nearly 300 chemicals that we do not know what reaction they will have when they get into the blood stream. There is a tremendously wide field developing at a pace which is astonishing as to what chemical should be permitted, for instance in food. The Food and Drug Administrator or someone must be in position to make some of those decisions. It occurs to me that the bill now being considered gives too much power to the Administrator, I care not if he be a Democrat or a Republican. A commission, in my opinion, would be the better approach.

I am also concerned about the advertising in the newspapers and over television and the radio. It is a disgrace and an insult to human intelligence and jeopardizes the reputation of everyone who deals in the welfare of the sick. It is amazing how advertisers are permitted to hoodwink the public into buying worthless vitamins and other near useless products. The public needs protection from swindling quacks and medicine men. Many of the over-the-counter drugs and patent medicines are harmful.

Some of us may look a little askance at some of the fertilizers that come into the food stream, as to what happens to the children of this country, and what happens to some of these poisonous things that are being injected into the food stream. I am convinced that the Food and Drug Administration does not have enough power to determine those things quickly at this time.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from California.

Mr. HINSHAW. The gentleman suggests a board and that was considered at one time. I wonder if the gentleman will not agree that the decision of the Board that he proposes would be in effect identical with the advice the Administrator would receive under the terms of the bill.

Mr. MILLER of Nebraska. It should not be.

Mr. HINSHAW. Who would appoint the board?

Mr. MILLER of Nebraska. We would have on that board that we planned in the legislation we hope to bring in industry, for instance. Industry may not always agree with the Administrator. We will have on the Board men of known chemical and research ability. We have had those experts before our committee. We would have somebody on there representing the Government and somebody representing the people. I think with that type of Board they could sit down and come to a conclusion which I think would be in the interest of the public.

Now, as to the different drugs, as a physician, I recognize that you have to have a good deal of leeway in permitting prescriptions to be filled. We speak about filling prescriptions by phone. It is not supposed to be done, according to the law, and some men have been caught by it. I think that half the prescriptions that are being filled today are filled this way. The doctor picks up the telephone and calls the druggist and says, "I want so-and-so filled." This is being done and you might as well make it legal, if it is against the law now, because they will continue doing it.

I also feel that the laws related to the issuance of barbiturates and the self-medication that presently is permitted ought to be tightened up.

I support the O'Hara amendment and trust the committee will give attention to a commission and not give so much power to an Administrator.

Mr. BONNER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I asked certain questions about this bill yesterday and received some answers, yet I am in doubt as to whether or not the language in this bill would not make it possible for those who manufacture and have been selling old-line prescriptions under patents to find themselves entangled in some rules and regulations that would be promulgated by the Administrator under this bill. This bill in itself gives the Administrator that power.

Mr. Chairman, I received the following telegram from the North Carolina Medical Society. I think in the State of North Carolina we have about as fine a group of practicing physicians and as fine a hospital system as will be found in any State in the Union.

The telegram is dated July 27, Raleigh, N. C., and is as follows:

RALEIGH, N. C., *July 27, 1951.*

Hon. HERBERT BONNER,
House of Representatives,
Washington, D. C.:

Reference bill 3298, Medical Society, State of North Carolina opposes those sections extending unwarranted authority granted Federal Security Administrator to codify drugs as to efficiency or to determine whether sold to public without prescription. These matters should be reserved to physicians, pharmacists authorized by State law to so function.

JAMES T. BARNES,
Executive Secretary, Medical Society of North Carolina.

When the medical society of my State comes out as strongly as this in opposition to a piece of legislation, which I admit I am unable to digest and to determine just what it contains, then I myself would think a long time and would want a great deal of explaining before I would support it.

Mr. Chairman, I think this bill covers more territory than has been discussed on the floor so far.

Mr. JENKINS. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield to the gentleman from Ohio.

Mr. JENKINS. I have a telegram from the State medical society of the great State of Ohio to the same effect and import as the gentleman has received.

Mr. BONNER. In addition to that, I have received a telegram from an old established firm in North Carolina, the Vicks Chemical Co. In their organization they have chemists and pharmacists. They certainly have attorneys to advise them, and their attorneys have advised them, so I am told, that they might be called up before the Administrator and during the determination, by the Administrator of their product their product might be held from the market.

I have simply pointed to one instance, and there are others. So this might be an opening wedge to a piece of legislation which this House refused to adopt some time ago. I have great faith in the intelligence of men to prescribe sometimes for themselves; but when, as has been said here, one doctor might give me a prescription which might work for me and another doctor might give you a prescription which might work for you, and when some patent medicines do not cause the patient to respond as rapidly as other patent medicines do, I have my doubts as to the ability of one individual to determine all of these things. I do not know what the ability of the Administrator is to make all these determinations.

Mr. FENTON. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield to the gentleman from Pennsylvania.

Mr. FENTON. The State of Pennsylvania Medical Society, with the endorsement of the American Medical Association, has no objection to authorizing the refilling of prescriptions, but they do object to section B.

Mr. BONNER. I thank the gentleman.

Mr. Chairman, I have not been able to discuss the bill with the author. He is a fine, grand gentleman. I know there are certain provisions in the bill which should be written into law to protect druggists and doctors, but beyond that I do not like to go. I would like to vote in support of a bill which would take the proper action to protect druggists and doctors, but I do not like this other part of the bill which has to do with determining the efficiency of medicines.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. HARRIS. Mr. Chairman, I ask unanimous consent that debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from North Carolina [Mr. BONNER] seems to be laboring under the same doubts that I have in my mind. I can best illustrate

the arbitrary conduct of some of the Department's agents by citing a case of several years ago, when a manufacturing chemist, doing business in practically all of the United States, had quite a quantity of his products seized in several States because it was charged that they were mislabeled. I went to the Department and asked them to point out to me what was wrong about the labels and to give me some idea as to what should be printed on them so that our maufacturing chemists could properly label their products and comply with the law and the Department's regulations. There was no claim that the product was injurious. The complaint and seizure was on the ground that it was not technically properly labeled.

Do you know what the Department said? The Department said: "Oh, that is up to the manufacturer. Let them figure it out, and if it doesn't suit us we will seize their product."

I went one step further, and I said, "How about seizing it in the factory where it is put up and labeled?" "Oh, no," they said, "just wait until they ship it into other States, Indiana, Ohio, and so on, and then we will seize it."

The company suggested that the Department's agents come into the plant, go through every department and take from the shelves all products that they thought were either mislabeled or that contained ingredients which made the sale in interstate commerce unlawful. The company offered to waive, in writing, the question of whether the goods were in interstate commerce.

The Department's agents refused to do that. Then the company offered to ship the products into Indiana—the State line being only some 70 miles away—the Department could there seize merchandise which it claimed was misbranded or improperly manufactured.

The Department's agents refused to do that, but stated that they would and they did seize some of the company's products which they found on the shelves of purchasers who were located far from the point of manufacture.

Now you know that that arbitrary, unreasonable action served no good purpose. It seriously interfered with the company's business. For what small, or even large, retailer wants to have the local people know that merchandise sold by him has been seized because it was alleged by the Pure Food and Drug Department of Uncle Sam—that it was being sold in violation of law, was either a misbranded, injurious, or dangerous product.

Now, it is that sort of conduct that our people are afraid of, that I fear, this arbitrary, unreasonable attitude on the part of the administrators. That is one of the objections to this bill. Everyone wants to protect the health of our people, to prevent their being imposed upon by being sold products that are not properly labeled, but we do not like to have people on the Government payroll come along and make trouble just because they happen to have a little authority.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. Yes, I yield to the gentleman.

Mr. WILLIAMS of Mississippi. I think the gentleman misunderstands what we are intending to do. That is really the thing we are seeking to remedy.

Mr. HOFFMAN of Michigan. I do understand what you are trying to do, but I know what the departments are trying to do. I know they can protect the people without a grant of additional power.

This department or agency is just like every other Federal, executive department—give anyone of them a little power over the activities of our people and immediately they seek more power, then more money to pay more employees. It is a strange but neverthless characteristic trait of practically every agency or department of Government, whether it be Federal, State or local, to want more power, more employees, more funds—an opportunity to grow greater. A grant of arbitrary or even discretionary power always, unfortunately, seems to call for greater authority.

Let me give you another illustration, more recent, of arbitrary action by the department:

Section 204, subdivision (a) of the Federal Food, Drug, and Cosmetic Act as amended (21 U. S. C., sec. 342) defines adultered food. It states:

A food shall be deemed to be adulterated: (a) (1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or * * * (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; * * * or, (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

Recently I sought to amend subsection (3) so that it would read as does (1), as follows:

If it consists in whole or in part of any filthy, putrid, or decomposed substance; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantitiy of such substance in such food does not ordinarily render it injurious to health.

The reason for that amendment is disclosed in hearings not yet printed which were held by a subcommittee of the Committee on Expenditures in the Executive Departments. Those hearings were held in Michigan. Growers, processors, and representatives of the food and drug department of the State of Michigan appeared and testified.

I have been advised that Michigan cans three-quarters of the canned black raspberries of the country. Black raspberries, red raspberries, and blackberries, and many other berries and fruits, as they grow in the fields or orchards, have mold in them, but the mold is not injurious to health. So I proposed an amendment as just outlined; this came up after the Department had seized quantities of this canned product, which they admitted was not harmful, was not injurious, was a wholesome, tasty food. I proposed an amendment which would prevent seizure, and if there was mold in the berries as processed, they were not to be seized, not to be declared unlawfully sold, if they were not injurious to public health, and I tried to get the Department to establish a standard; that is, a rule or regulation which would declare what percentage of the product could show mold without being subject to seizure. The State authorities did establish a percentage of 75 percent, I think it was. That does not mean that 75 percent of the product was moldy. It means that in 75 percent of the areas they could, under a microscope, discover mold. They could not smell it or taste it, but when they put a microscope on it they could find a little something there that indicated mold. They made no claim that the mold on the product was unwholesome or injurious or distasteful. So if a canner did not just walk the chalk line, if he was a little hurried in having to get the berries through the factory and did not use as nice words as the inspector thought he ought to, the product could and would be seized, as inspectors had been doing. In one instance the Department agent seized the produce; and they did, some $3,700 worth in one instance, admitting all the time that it was not injurious to anyone and that no one could learn there was mold in it except as they put a microscope on it. The State gave us relief; that is, the State of Michigan established a standard of tolerance for mold, but did these fellows down here? They would permit some mold, but how much? Would they tell the growers or the processors? No, sir; not on your tintype. And along comes this fellow from the Department, Deputy Administrator George Larrick who apparently would not know a raspberry from a pumpkin, and spills himself in the paper thusly——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes that I may finish this story.

The CHAIRMAN. The time has been fixed.

Mr. HOFFMAN of Michigan. Then I offer a motion to strike out the enacting clause.

The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his motion.

Mr. HOFFMAN of Michigan. Referring to my attempt to obtain an amendment to the legal definition of adulterated food as carried in section 342 of title 21 of the Code, which would enable growers, processors, and retailers to put a tasty, wholesome, noninjurious food—the black raspberry crop—in the hands of consumers when I proposed an

amendment to subsection 3 of section 342, practically identical language to subsection 1, he apparently gave a reporter of the Washington Daily News an interview for the News of that date. Referring to that amendment the reporter writes:

> Bugs baked into cake, catsup made with spoiled tomatoes, and moldy raspberries—all will be on your dinner table one day if a bill introduced by Representative CLARE E. HOFFMAN, Republican, Michigan, becomes law.
>
> The bill would amend the Federal Food, Drug, and Cosmetics Act to allow food to be marketed with "filthy, putrid or decomposed" matter as long as the matter is not "added" and would not be "injurious to health."
>
> At least this was the interpretation of Deputy Food and Drug Administrator George Larrick when asked about the bill today.
>
> Even so, "The way it reads bakeries could make cake with contaminated flour—with bugs and rodent hairs and some of the other things we find—without our being able to do anything about it," Mr. Larrick said. "The baking processes would kill any harmful bacteria and make it technically uninjurious."

Now, the attitude taken by this gentleman illustrates the all too often arbitrary, unreasonable position and misleading statements put out by the Department spokesmen every time anyone ventures the thought that perhaps the Department's employees, and that is what they are, might just possibly not know everything that is to be known, should not be trusted with the opportunity to injuriously destroy whole sections of our economy.

I never heard of anyone who wished to use or have others use filthy, putrid or decomposed food as those words are commonly understood. Nor did I ever know of anyone who wanted to make it possible for a grower, a processor or a retailer to induce a consumer to purchase a food which was not what it was represented to be.

Permit me now to give you an illustration of just how untruthful and I might add, knowingly untruthful if he has any intelligence at all, is this Deputy Administrator George Larrick, if he is correctly quoted. The press carries this quotation from him:

> The way it—
>
> Meaning the amendment—
>
> reads—bakeries could make cake with contaminated flour—with bugs and rodent hairs and some of the other things we find—without our being able to do anything about it.

The absurdity of that statement, its falsity, is apparent on its face. Certainly Mr. Larrick knows that flour containing bugs, rodent hairs and the other things to which he refers has had something "added to it," or is he so set in his ways that he is trying to make us believe that bugs and rodent hairs are a part of the wheat as it grows—as mold is a part of black raspberries as they grow and as the State health authorities of Michigan have recognized?

This one illustration just given and which is Mr. Larrick's and the Department's only contribution to a situation which exists in Michigan where growers of nutritious, wholesome berries—where processors who at the cost of thousands of dollars have hired State and other inspectors—skilled chemists, microscopic experts, who have sterilized all receptacles used to collect berries from the time they are picked until they reach the processing machinery, are trying to lower the cost of living by putting a product on the market where otherwise it would either be not grown or wasted. Black raspberries as grown carry mold as does the air we breathe, at least that is the testimony of the experts—the experts told us that the moment one of the little droplets breaks down the berry is "decomposed," or it has started to rot. The same experts assert that this mold is not harmful, that it may even, like penicillin, be a curative mold.

But the Department all blown up by its own conceit, acknowledging the healthfulness of the product, will not establish a mold standard so that farmers may be encouraged to plant and grow the berries, so that processors may handle them, and the rest of us have available at reasonable cost a delicious, nourishing food or dessert.

Taking note of the above, perhaps you can get a dim idea of just how unreasonable and arbitrary some of these gentlemen may be. It is possible that it is this arbitrariness, this unreasonableness, on the part of these gentlemen in the Department that frightens the gentleman from North Carolina [Mr. BONNER].

Did anyone here ever eat a beefsteak which was not decomposed?

In *A. O. Andersen & Co.* v. *United States* (234 Fed. 542) the Ninth Circuit Court of Appeals, said:

> Decomposition may begin where life ends, but meat or fish is not decomposed at that early stage. Decomposed means m re than the beginning of decomposition; it means a state of decomposition, and the statute must be given a reasonable construction to carry out and effect the legislative policy or intent.

Do the gentlemen of the Department ever gracefully accept a reasonable ruling of the courts such as that which has just been quoted? Oh, no.

Processed black raspberries are decomposed whenever Mr. Inspector has a grouch.

Black raspberries, as they mature, have mold in them, and as they ripen some of the little cells containing the substance of the berries inevitably break down. Those cells are decomposed—they are rotten, but until they have reached an advanced stage of decomposition, or where the mold is excessive, they are tasteful and nutritious—but will the Department let them pass? Not if the inspector got out on the wrong side of the bed or if his breakfast did not agree with him, or if someone has not treated him with proper deference.

These gentlemen down here say that if there is any mold, if there is any decomposition, even though it does not hurt anyone, the product is rotten. Did anyone ever eat a piece of cheese where, somewhere along the course of its manufacture, it did not contain decomposed milk? No; of course, you did not; and blue cheese—the more mold there is in it the better. And penicillin. Do they object to that?

But if you can with a microscope find a little bit of mold in a berry it should not be sold. So the United States Department tells the grower, the processor.

Does that mean anything? Yes; I have here an article in our local newspaper where the berry grower says that his whole crop when put on the market brought a price of $1.60 a crate—this was just last week. It cost him $1.50 a crate to pick, package and deliver. He did not count his work in growing, in spraying, in cultivating nothing for investment. So he said to the folks "Come in if you want berries; you pick them, but bring your own containers." He did not propose to furnish containers. And growers are forced out of business—processors just turn to other fruits or vegetables. The consumer has his supply cut short.

Now, what is the Drug and Food Department down here doing? They are taking off of the local processing market tons and tons of wholesome berries and fruits because the processors will not take the risk, will not can this crop when they know that at the whim of some bureaucratic agent down here it is subject to seizure. If they would give us a tolerance for mold it would be all right; but, no, they will not do it; they want to go around the country and show their authority.

Yet the berries which our local processors cannot handle are often sold at a lesser price to processors from Detroit or Chicago who process them and put them on the market, without fear of seizure. Moreover, if not bought by processors some of this fruit, but at a lesser price goes on the fresh market, is bought and used by the housewife—as critical but at the same time reasonable an inspector as ever bought a food product or condemned a food.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield.

Mr. O'HARA. Did I understand the gentleman to say that not only are they mistaken but they are arbitrary? Is that a correct quotation?

Mr. HOFFMAN of Michigan. Arbitrary. Brother, you have never seen anything until you have seen these gentlemen and the agents from the Labor Department who go into the factories and tell all the workers that they are working too hard for too little money, producing too much—making trouble. Stalin's agents never were able to stir up as much discord in this country as the agents of some of these departments, whose heads swell out of all proportion the moment they get a badge. That is why I do not want to give an administrator this arbitrary authority.

Mr. SMITH of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Wisconsin.

Mr. SMITH of Wisconsin. Are we to infer from what the gentleman has said that he has no confidence in Oscar Ewing?

Mr. HOFFMAN of Michigan. I would not want to express an opinion on Oscar at this time. I heard him testify once it was not only his right but duty to use Federal funds to spread the gospel as he interpreted it to the people of the country, although I know there is a

statute which makes it a criminal offense to do that with Federal funds.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. ROBERTS]

The amendment was agreed to.

Mr. O'HARA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'HARA:

Page 5, strike out lines 6 to 16, inclusive, and insert in lieu thereof the following indented paragraph:

"(B) because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or."

On page 7 strike out line 13 and all that follows down through line 25 on page 8.

On page 9, line 1, strike out "(6)" and insert "(5)."

Mr. O'HARA. Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. O'HARA. Mr. Chairman, I have asked for additional time so that I might fully explain what this amendment does to the pending bill. Let me say that it represents the controversy which lies between the majority side and the minority side of the committee upon this bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. I wish the gentleman would not say "minority side." I wish he would tell the truth and say "minority of the minority of the committee."

Mr. O'HARA. If the gentleman is going to be technical, may I say I have been on a minority of 9 out of 435, yet my position was sustained in the other body and became law. I do not know what a minority is any more, but I have been in the minority many times. The gentleman has repeatedly stated that the vote was 4 to 19. I am happy to be one of those 4. I would be happy to be 1 if I thought I was right.

Mr. Chairman, I should like to proceed and tell you exactly what this amendment does.

First it corrects subsection (B) and takes all of this confusing language out that so many Members have talked about and puts it in simple language, it gives the Administrator all the authority in the world for the protection of the public and enforcement of the law as to the safety of the public that he can possibly ever need without the uncertainty of these experts and all of that which is in the committee amendment.

Mr. BENNETT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman form Michigan.

Mr. BENNETT of Michigan. Those in charge of the administration of this law some 10 years ago, in 1941, agreed with the position now taken by the gentleman from Minnesota. At that time it issued a directive or memorandum—I do not know what you would call it—with respect to defining and listing prescription drugs. This is what it says:

The Administration—

That is the Food and Drug Administration—

has received numerous requests from drug manufacturers, retail and wholesale drug associations, and others, for a list of those drug products which it considers dangerous when sold otherwise than on the prescription of a physician, dentist, or veterinarian licensed by law to administer drugs.

In answer to such requests, the Administration has pointed out that the Food, Drug, and Cosmetic Act places upon the manufacturer and the distributor the responsibility for properly safeguarding the marketing of drugs which may be dangerous to the purchaser if distributed without restriction. Obviously, it is impossible to list all drugs which may be dangerous since not only the compositions but also the directions for use and the conditions in which their use is recommended may have a very definite bearing on the question of safety or danger.

That was their decision 10 years ago.

Mr. O'HARA. That they could not make such a list as they now claim they can, of 30,000 drugs.

Mr. BENNETT of Michigan. And with an additional 3,000 since.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. Of course, at that time they did not have Oscar Ewing running the show.

Mr. O'HARA. That is true. There is no question but what the amendment to subsection (B) is plain and broad and gives the Administrator all the power he needs. I wish you would turn to that portion which my amendment strikes out, commencing on line 13, page 7. Here is what the bill gives to the Administrator and what goes on if he makes these 30,000 decisions, or any part of them. Someone, of course, has the right under the bill—they call this protection—to start in then and object to what is done. All right. The first thing the Administrator does is to give notice after the objector has filed objections to that classification. Thereafter the Administrator makes public his action on the proposal. Then, No. 3, within 30 days after such action the interested party may file with the Administrator his objections, stating the changes proposed, and all of the other things that he has to go through. No. 4: Then the Administrator shall give notice and hold a public hearing. No. 5: Then the Administrator shall make a determination and issue an order. If summons and petition is served on the Administrator, the Administrator shall certify and file in the court the transcript of the evidence and then the poor fellow is finally in the Federal court of appeals.

But, what is he up against under this bill? He is up against this situation. No. 1, the burden of proof has been shifted from the Administrator to the person affected. No. 2, he is up against this impossible situation, and any of you who are lawyers know what it means to appeal from a finding of fact by a court or administrative body; he is up against this provision of the law:

The findings of the Administrator as to the facts, if supported by substantial evidence, shall be conclusive.

Now, that means that, under this bill, if you were opposing some order that was made as to what this drug was, a prescription or nonprescription drug, the Administrator, under the decisions of the courts, both as to the Food and Drug Administration and the Federal Trade Commission and these various administrative agencies, can call in an expert. Under the decision, even if that expert is biased, and the reviewing court says he was biased, they still must affirm that finding. Now, that is a perfectly ridiculous situation to give this tremendous power to Oscar Ewing. I like Oscar Ewing personally; I like his frankness. He is for socialized medicine. He has stated so on two or three different occasions before our committee.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Michigan.

Mr. DONDERO. Does that mean that the ordinary individual, a doctor or pharmacist or druggist, is denied his day in court? Is that what it means?

Mr. O'HARA. That is what it means.

Now let me pursue it further. I admire Oscar Ewing for his frankness and honesty. On at least two, possibly three, occasions I heard him say that the medical expenses of the people of this country should be paid for by the Government, whether the people who incurred the medical expense are in a position to pay or not. He has repeated that on two or three different occasions. He has written a book, which is a blueprint, in my opinion, for the program of socialized medicine, and we fought all last year in our committee, practically, over the so-called socialized medicine bill. His book is entitled "The Nation's Health: A Ten-Year Program—A Report to the President by Oscar R. Ewing, Federal Administrator," and printed at Government expense. Seventy-five thousand copies have been circulated in the country.

As to this delusion about the Administrator not having authority, there is absolutely no question that if there is any mislabeling of drugs or misrepresenting to the public of drugs which have not been passed upon and approved, the Administrator has all the power in the world to prosecute those people both criminally and civilly, civilly by seizing the drug and criminally by prosecuting them for violation of the law.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Arkansas.

Mr. HARRIS. Is it not true that we had testimony before our committee which showed that a certain type of

chalk made by one manufacturer had one label on it when they sent it to the druggist and when it was made by another manufacturer it had another label on it? Would it not be true that if this provision that is proposed here were to prevail, the Administrator would have the right to see that the manufacturers had to label that item properly?

Mr. O'HARA. There is no question that under the law today and under my amendment he would have a right if that article was mislabeled to prosecute those people, but as to this mislabeling of chalk, some kind of chalk, I have forgotten what it is called, a perfectly harmless drug, it is true that some drug manufacturers manufacture to sell over-the-counter products and other manufacturers sell and want to sell only to physicians and druggists for prescription use. There is a difference in the viewpoint of the drug manufacturer. I do not see that there is anything confusing about it. I think all this talk about these little items, because there are a few items where one drug manufacturer takes one view, and another a different one, is not important. I do not like the confusion but I do not think it amounts to anything.

Mr. HARRIS. I believe the gentleman will have to admit it does amount to a lot, because if one of the antibiotics, for instance, were involved it would have a tremendous effect on the health of the people.

Mr. O'HARA. Is any claim made on the gentleman's part that any antibiotics are mislabeled? Is there? The gentleman is talking of a few items of drugs that do not amount to a great deal.

Mr. HARRIS. I am sure the gentleman will recall when a few years ago these sulfa drugs first came out, and many, many people throughout the country died as the result of their use.

Mr. O'HARA. Yes; it may be that that is true, but they were approved by the physicians, they were approved by the Food and Drug Administration, and it was not because the Administrator did not have the authority to do something about it.

Mr. MASON. And they were not mislabeled.

Mr. O'HARA. They were not mislabeled. They were told exactly what they were. However, the reaction was not known as definitely as it developed later, and they did not know what should also be administered. That was the point.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Indiana.

Mr. HALLECK. In respect to the alleged need for this section to which the gentleman refers in this legislation, I am informed that Mr. Larrick, Associate Commissioner of the Food and Drug Administration, testified before the House committee in these words: "The present law, so far as it has been interpreted, is sufficient to protect the consumer."

Mr. O'HARA. I know there is no question about it. The consumer and the public are amply protected under present law. What is being attempted here is to give this terrific amount of power to Oscar Ewing and the Food and Drug Administration to bring about a complete change in the entire picture in this country. Let me say to you, and I say it in all seriousness, that this bill, at least as it is now written, is the handmaiden of socialized medicine.

Mr. KEARNS. Would the gentleman explain whose brain child this bill is? That is the thing I cannot find out. Where did it originate?

Mr. O'HARA. The first time I heard of it was when I heard of the Humphrey-Durham bill.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. HALLECK. As I understand it, the bill as originally introduced did not have this controversial section in it.

Mr. O'HARA. The gentleman is correct, I believe.

Mr. HALLECK. It had to do with telephone prescriptions and the refilling of prescriptions.

Mr. O'HARA. That is right, and we are leaving all of that in the bill.

Mr. HALLECK. When the druggists back home write us, as some have written to me to tell us to be in favor of the Humphrey-Durham bill do they have in mind the bill originally introduced which did not include this controversial section?

Mr. O'HARA. I cannot assume that they do. I know some of my colleagues have sent them copies of the bill and they have said "We do not want that bill." That is all I know. They say "We do not want that part of it."

Mr. HALLECK. I received one letter where the druggist wrote me "This bill enables pharmacists to fill and refill prescriptions according to their ethical and professional training which after all is the best judge in such matters." Would that particularly have reference to the filling and refilling section of this bill?

Mr. O'HARA. That is my interpretation of it. That is what I have heard from all of the druggists that have contacted me and that is what they are interested in.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. HALE. If the gentleman will look at page 2 of the bill, lines 16 to 20, he will observe these provisions giving wide powers to the Administrator were in the bill as originally introduced.

Mr. O'HARA. I spoke of the original bill. That is the gentleman's interpretation of the last bill. We may be correct. I think the gentleman was as anxious as I was to strike those powers out. I think he felt they were too broad.

Mr. HALE. Yes; but in the interest of accuracy I think it should be said that the original Durham bill did confer powers on the Administrator which were of quite wide nature.

Mr. O'HARA. I do not believe section 5 was in the original bill, before us.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. O'HARA. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. BONNER. There is a question I would like to clear up in my mind and that is whether the original Durham bill carried the vast power that this bill carries.

Mr. O'HARA. In my opinion it did not. There was some provision on page 2 which gave him additional powers but not the broad powers that are contained in subsection 5.

Mr. BONNER. Did Mr. DURHAM testify before the committee for the bill as is?

Mr. O'HARA. He has not had an opportunity to testify to it as the bill was reported out—of course not—because it was amended and these additional powers, both subsection (b) was amended and subsection 5 as I recall it, was added. That was after we had several days of executive consideration and after the gentleman from Mississippi suddenly appeared with what I assume was the brain child of the Food and Drug Administration and the retail druggists association.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. DONDERO. This is the fourth Durham bill and not the first one or the second one, is that correct?

Mr. O'HARA. I think that is correct. The first one we had hearings on was the bill as introduced; not the amended one which we have before us.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield.

Mr. WILLIAMS of Mississippi. I just want to straighten the gentleman out on that. He knows I am not going to kowtow to Mr. Ewing or any of his subordinates. I just want to tell him that the amendment was worked up by the staff of the committee with my assistance, or worked up by me with the assistance of the staff of the committee, whichever way you want to put it, to carry out the purposes we thought the Committee on Interstate and Foreign Commerce wanted to accomplish.

Mr. O'HARA. I fear the Food and Drug people worked very closely with the staff—perhaps not with the gentleman—but they worked very closely with the staff.

Mr. Chairman, I hope this amendment will be adopted because it determines whether you want this administrative absolutism or whether you want to continue in the American way in this important problem.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am opposed to this amendment. The gentleman from Minnesota [Mr. O'HARA] strikes at the very heart of this bill. This is the crux of the issue. It is the real issue before this Congress and before the American people.

It is a rather interesting thing when Oscar Ewing is being used as a whipping boy here. I will say to you if his name was not involved in this legislation you would not have a leg to stand on, and you know it. You drag out before this Committee the thing that you think will create the most prejudice against a piece of good legislation. I doubt if there is any Member of this House who has opposed Mr. Ewing in his proposal to socialize the medical profession and the health of our people.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman knows my high regard for the gentleman from Arkansas. I have a letter here from the executive secretary of the National Association of Retail Druggists, whom I know and like very much. I suppose everybody had such a letter. He expresses support of the bill. But, in the final paragraph, on the first page, he says:

> The second purpose of the bill and the one of great immediate concern to druggists is to relax the present unrestricted provisions of law regulating the filling and refilling of prescriptions.

If that is of great concern to the druggists, then how can you say if this amendment were adopted it would strike at the heart of the bill?

Mr. HARRIS. Everyone is in accord with reference to the necessity, the imperative necessity of correcting the present law with reference to the refilling of prescriptions and of telephonic prescriptions. Everyone is agreed on that. The other issue is this one, which I repeat, is the crux and the real issue before this House. I said before that this is the issue; it is a fight between the commercial manufacturers of drugs and the retail druggists throughout the country as to what the best way and where the responsibility should be on safe drugs dispensed by prescription.

In all deference to everyone in this House, the manufacturers of drugs have raised a big bug-a-boo here about Oscar Ewing, and you are attempting to defeat a very worth-while cause that the commercial interests are against, by using what some would say is an unpopular Administrator to do that. Now, let us get the cards face up on the table. I think the membership is entitled to know. The gentleman from Maine [Mr. HALE] told you a moment ago what the facts were with reference to this legislation. Before I leave it, however, I would like to say to the gentleman from Indiana [Mr. HALLECK], if he will read page 2 of the letter from Mr. Dargavel he will observe that he devoted three paragraphs to this issue, in which he said:

> The sole opposition to the bill is from the manufacturers of drugs and their satellites. The Proprietary Association is the most active. The spokesmen of this organization argue that the authority to decide which drugs must be sold on prescription only should be lodged exclusively with the manufacturers despite the fact that the Federal Security Agency is charged with the enforcement of this important public law. Instead, the manufacturers wish to leave to case-to-case prosecutions for misbranding the question whether a manufacturer made a proper choice in restricting a drug to prescriptions or in deciding to have it sold over the drugstore counter.
>
> The burden of compliance falls upon the druggist as well as upon the manufacturer. We do not wish to be made criminal defendants or to have drugs on our shelves seized for the purpose solely of obtaining an authoritative decision whether the drug should in the future be sold on prescription only or should be over the counter. We believe that is the kind of question that should be settled in advance, and we have confidence that the Food and Drug Administration of the Federal Security Agency is competent to make the determinations. The bill provides the same safeguards against abuse of the administrative power that Congress provided in the Administrative Procedure Act after the most careful study of the question.
>
> The patent medicine manufacturers argue that H. R. 3298 involves life or death to them. We answer that failure to enact the bill will spell life or death for an untold number of people. Death can, indeed, result from the over-the-counter sale of many drugs. This bill is designed to prevent injury to the public health, and we believe that it should be passed at the earliest possible time.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Oklahoma.

Mr. BELCHER. I do not know who Mr. Dargavel is.

Mr. HARRIS. He is executive secretary of the National Association of Retail Druggists.

Mr. BELCHER. I do not know who he is, but he does not speak for the druggists of the Eighth Oklahoma District, because I have had wires from them opposing this bill.

Mr. HARRIS. I appreciate the gentleman's position.

The gentleman from Indiana [Mr. HALLECK] brought up the letter of the executive secretary, representing the National Association of Retail Druggists, and that is the reason I referred to it. I assume he speaks for the 35,000 retail druggists throughout the country. Everyone to his own feeling.

The gentleman from Indiana asked a question a moment ago of the author of this amendment, to the effect that the original Durham bill did not have this provision which he proposes to strike out.

Let me say to the gentleman from Indiana and Members of this House, if you will turn to page 2 of this bill, you will see that language stricken out. That is in the bill proposed by the gentleman from North Carolina [Mr. DURHAM], and you will notice that language is much broader and had far-reaching consequence which this bill does not have.

In the course of the consideration of this legislation in the committee the gentleman from Maine offered some amendments. Those amendments would in effect do just what the gentleman from Minnesota proposes to do now. The committee adopted those amendments.

After their adoption and we began looking into the effect and result then we came to a determination that it would not do what was proposed originally and what the committee felt was necessary to correct or adequately adjust the Food and Drug Act; so the committee reconsidered the entire amendment that had been offered by the gentleman from Maine and we took the standards that were set up to tie the hands of the Administrator and provided them here in (a) (b) (c), (b) and (c) are the two paragraphs here, (b) being the one in controversy that sets a standard by which the Administrator must obviously act in accordance with the administration of this program. It ties the hands of the Administrator where he must follow the standard set up and consequently does not give him the broad unlimited authority that some would have you believe today.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. EVINS. The gentleman says in one breath that we give the Administrator authority and then in the next breath he says we tie his hands. If the pending amendment is adopted it will not be necessary.

Mr. HARRIS. No, it will not be necessary; but you will leave—and if the committee wants to do it, it is all right—you will leave to the authority of the commercial drug interests in this country to decide in all instances what is best for the American people and the health and welfare of the people. There is the crux of it today.

All these patent medicines are involved, and there is some confusion because of the technicality as to what this would do. But let me say to the gentleman again that this would have no adverse effect whatsoever on any accepted patent medicine that is on the market today.

Mr. SCRIVNER. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. SCRIVNER. It is a little hard for me to understand why you give a man such power as you say is given here and then tie his hands. Why give him the power in the first place?

Mr. HARRIS. For the simple reason that because of all of these new medicines and drugs that come on the market almost daily the committee felt there should be some determination by somebody as to whether or not they were safe drugs and should be dispensed by prescription or sold over the counter.

This is relief for the retail druggists who have the responsibility as much as the commercial industry in the determination of these drugs.

I will say to the Committee that I think it could very well be to the best interests of the American people if this amendment were defeated.

Mr. DOLLIVER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I should like to discuss this matter objectively and dispassionately. I sat through the hearings on this legislation for a good many days. I believe I heard every word that was uttered about this legislation in the committee, both in public and private sessions.

It is not a simple piece of legislation and I am sure that some of you who have listened to the debate this after-

noon may be somewhat confused about it.

I would like you to know, first of all, that there are important parts of this legislation which are not controversial, and I use the word "important" advisedly. Those important parts are contained in the last part of the writing on page 5, beginning about line 21, and going over to about line 3 on the next page. They refer to the oral prescriptions and the refilling of prescriptions. That, really, is the important part of this legislation from the standpoint of the people who are affected by it.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. DOLLIVER. I yield to the gentleman from Illinois.

Mr. MASON. I would prefer that those things be called the sugar-coating to get us to swallow the part of the bill that most of us do not want.

Mr. DOLLIVER. We can rectify the situation to which he objects by adopting the amendment which is now under consideration by the committee. That is exactly what should be done.

Mr. MASON. I agree with that.

Mr. MORANO. Mr. Chairman, will the gentleman yield?

Mr. DOLLIVER. I yield to the gentleman from Connecticut.

Mr. MORANO. The distinguished gentleman from Arkansas said that if we adopt this amendment we would strike out the heart of the bill. Will the gentleman from Iowa comment on that?

Mr. DOLLIVER. I disagree with the gentleman from Arkansas. This is not the heart of the bill. It is one of the issues, to be sure, but it is not the most important part of the bill from my standpoint at least.

What is the argument about with reference to the amendment offered by the gentleman from Minnesota [Mr. O'HARA]? It is whether you are going to turn over to the Social Security Administrator, Mr. Ewing, at the present time—but I would not care whether it was Mr. Ewing or someone else—certain authority to proscribe certain drugs.

I want to be fair about Mr. Ewing. I know from his testimony before the committee that he did not ask for this authority. I heard him say so in the hearings. He has not asked for this power. But he has asked, and everybody who is interested in this legislation is asking for those parts I referred to in the beginning of my statement, clarification of the situation with respect to oral prescriptions and with respect to refilling of prescriptions.

We are now arguing about another matter which, to be sure, is important. In my honest opinion, we ought to adopt the amendment offered by the gentleman from Minnesota [Mr. O'HARA] because thereby we would get a bill which would be acceptable, as I see it, to most of the people who are interested in this and would continue the kind of protection to the general public which it now enjoys under the Food, Drug, and Cosmetic Act.

If it should transpire in the future that what we do in adopting the O'Hara amendment is not satisfactory; if it does not complete the task, why, of course, the Congress will be in session, there will continue to be a Committee on Interstate and Foreign Commerce to take up this matter. We can rectify the situation.

But as of now it is my considered judgment, and I hope the considered judgment of a majority of this House, that we should adopt the O'Hara amendment, and pass the bill in the form that it ought to pass. We will do no one harm in so doing—as we might very well do if it were passed without the amendment.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. THORNBERRY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to discuss the pending amendment as calmly as possible.

There are two reasons why I am opposed to the O'Hara amendment. In the first place, it leaves the retail corner druggist in the same position that exists today under the present law. Under the present law he does not know whether the drugs that he sells over the counter are in violation of the law until the Food and Drug Administrator comes and seizes the goods on his counter or files a criminal complaint against him. You can realize that when goods are seized on his counter his standing in the community is hurt. The second reason I am opposed to the O'Hara amendment is that, in my opinion, it does not give the protection to the public which is needed. We hear the cry of socialism and of strong centralized power, but the Food and Drug Administration has the same power given to it in this bill, on habit-forming drugs and on new drugs. Nobody has said anything about those powers, but when we come to try to correct the situation about drugs that are dangerous to human beings, then we hear that it is too broad a grant of power. What are we going to do about people who somehow or other are entitled to protection against dangerous drugs? Are we going to leave it to a system that the Food and Drug Administrator cannot correct until he comes and seizes the goods or files a criminal complaint? Are we going to correct the situation by a case by case determination? That is what the O'Hara amendment would do.

Mr. WILLIAMS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. THORNBERRY. I yield to the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. As I understand, there are 35,000 different drugs on the market. This means that if you adopt the O'Hara amendment the only way the druggist can be certain that he is not selling a prescription drug over the counter is after 30,000 lawsuits have been finished.

Mr. THORNBERRY. That is right. But we do not know how many of these dangerous drugs will be sold over the counter and what are safe for human consumption.

Somehow the Food and Drug Administrator should have the same power with reference to dangerous drugs that he already has with reference to habit-forming drugs and new drugs. Let us not overlook the very point that we are trying to protect the people of America against the use of dangerous drugs. If you adopt the O'Hara amendment, you will leave the retail corner druggist and the pharmacist at the mercy of the Food and Drug Administrator who comes in and seizes his goods and files a case-by-case action in court, either of which is dangerous to him.

Now, there have been a great many statements made here about the retail druggist and how he stands. When the committee report was published I sent a copy of it to every druggist and pharmacist in my district, calling attention to the majority and the minority report, asking them to read them carefully, and I heard from no one of them as being opposed to the bill. Strangely enough, most of the people I heard from were pharmacists who are also druggists, who feel that a change should be made in the law as it exists today. They protest that the present law leaves them at the mercy of either having their goods seized or being hailed into the Federal district court and tried on criminal charges.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. THORNBERRY. I yield to the gentleman from Texas.

Mr. BECKWORTH. As I said a moment ago, beginning on page 97 of the hearings, you can find more than 100 cases of these small druggists who doubtless, in most instances, innocently were selling drugs. This seeks relief from the kind of situation that the gentleman has just described, nobody knowing about it until after they have committeed the offense.

Mr. THORNBERRY. That is exactly right. And there is not a Member here who will not say that the backbone of small business in our community, for which we plead so eloquently at times, is the retail corner druggist and the small pharmacist who is trying to serve his community. Certainly we should relieve him of the fear of prosecution brought about by an innocent transaction.

Mr. BEAMER. Mr. Chairman, I move to strike out the last word, and rise in support of the amendment.

Mr. Chairman, our very good friend has just given you the "wolf, wolf" cry We have been hearing it so many times from so many people on both sides of the aisle that I hesitate to use it, but I am going to have to yell "wolf," but another kind of wolf.

Let us analyze this situation a bit. There is a system that has been slow in building up, but I tell you it is going to be still slower in deteriorating and much slower in being torn down. I am referring to this system as contrary to the one that you and I want to keep for our own individual initiative, for our own individual responsibility.

Some very good friends of ours, whose opinions I respect and I know you respect, have said very loudly, and I can yell just as loud as they can, if you wish, that the druggists are supporting H. R. 3298.

If the people of this country begin to think for themselves, even including the

druggists, the drug manufacturers, and you and I, if we begin thinking for ourselves and forgetting what the executive secretary of some association, who has some ulterior motive, says, then we are going to get some place.

I did the same thing my good friend from Texas did. I wrote back to the druggists in my district. I know many of these people and have talked to them. I said, "All I want you to do is read the bill and read the committee report." Invariably they wrote back, "We want the refill provision, but for goodness sake, don't help to build up this system that has been engulfing us all the time."

This is called the Durham bill. Read your bill. It has been struck out by the committee. I am sorry, but the estimable gentleman whose name appears on this bill has had a serious operation and is unable to be reached. I have a feeling that with all of his good judgment, which I have heard expressed here today, he would say, "No, this is not my bill."

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. BEAMER. I yield to the gentleman from Texas.

Mr. BECKWORTH. I happen to know the position of the gentleman to whom the gentleman has referred on this very part of the bill. Just prior to the time he left for his operation, he came to my office, and I am sure he went to at least one other office, and he said to me that nothing worse could happen to this legislation than to take out this part of the bill.

Mr. BEAMER. I think it would be very fine if that were a matter of record. So many times today we have asked, "Is this a part of the record?"

I repeat the druggists do not want to sell their birthright for a mess of pottage. They do want a corrected refill provision. You open the door a little tiny bit for some of these bureaucrats—and I will name the Federal Security Administrator—you open the door a little bit and he will walk right in. I said this to the trustees of the American Medical Association and I say it to you today. I can give you an illustration about which you will be hearing. You people from New York State, Tennessee, Florida, and Indiana, you have had experience with this gentleman. You give him an inch and he takes a mile. I am not saying it about the present man because he may be gone tomorrow, but even so this principle still exists.

I say to you it is going to be necessary for you and me to stand up and fight even this little tiny thing. We are going to have to stand up and have the same backbone as these socialistic dreamers. They are doing it. They are not hesitating for a moment, they are not stopping. They are unceasingly on the job. You and I are going to have to stiffen our backs and say, "No, sir. Here is one place we will stop. We will go no further." That is the thing I am trying to impress upon you.

There is one other point I am trying to bring to your attention. Have you heard this expression, "directed judgments"? This committee that the Administrator can set up, supposedly of people who are experts and qualified by experience and training, he can pick, and I challenge you, they have been picked by this administration to choose the proper words and give the proper decisions that will fit the interests of this system that they are trying to build up.

Yes, I am yelling "Wolf," too, and I mean it seriously now. I do not like to yell in this fashion because someday we will have yelled "Wolf" so often that the real wolf will come and not be recognized, but today this is a truly important issue.

Mr. MARTIN of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time just for a minute to find out the program for the rest of the week, if I may.

Mr. McCORMACK. If the gentleman will yield, I think that is a very pertinent question and of interest to all Members.

If this bill is disposed of and the rest of the program I had announced for last week is disposed of by tomorrow night, we will go over until Monday. The other bills are the investigative powers outside of continental United States by the Interstate and Foreign Commerce Committee. I do not think that should take very long.

Then, there are two bills from the Armed Services Committee. I understand they are unanimously reported.

There is one bill from the Foreign Affairs Committee.

The only thing that I can see which would hold up action going over from Thursday until Monday would be the unnecessary continuation of the present bill.

Mr. MARTIN of Massachusetts. I thank the gentleman.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I rise in opposition to the amendment.

In order for the House to understand the real difference between the committee's approach to the problem of determining prescription drugs, and that approach which is offered by the gentleman from Minnesota [Mr. O'HARA] in his amendment, I think it might be well for the House to understand, insofar as possible, exactly the problem facing the retail druggist. In understanding that I feel that the House will be in a better position to determine the best vote to cast on this amendment.

I have before me two drugs. These are manufactured by different manufacturers, yet they are identical in chemical make-up, they are identical in quantity, they are exactly the same product. One product is manufactured by the Davies-Rose Co., of Boston, Mass. On this drug—this is quinidine sulfate—you will find this legend:

Caution: To be dispensed only by or on the prescription of a physician.

Here is the same drug manufactured by the Eli Lilly Co., of Indianapolis. There is no legend on this drug.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. In just 1 minute.

On this drug is written the simple language:

Adult dose: One tablet as directed by the physician.

I yield to the gentleman from Minnesota.

Mr. O'HARA. The gentleman has used this exhibit repeatedly, and, of course, I am familiar with it. Actually, my amendment does not affect section 4, which imposes perhaps some additional responsibilities on the druggist. The gentleman would admit that, would he not?

Mr. WILLIAMS of Mississippi. Not exactly.

Mr. O'HARA. Furthermore, under the present law as it exists today if either of those bottles is mislabeled, the Administrator has every authority under the law to prosecute criminally and civilly.

Mr. WILLIAMS of Mississippi. The gentleman is right up to a point. But in order to see that these prescription drugs are labeled uniformly under your amendment, it would require 30,000 seizures and 30,000 lawsuits on the part of the Administrator.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I cannot yield further; I want to complete my statement. If I have time later, I will yield.

Here are two more drugs, identical drugs. On one you will find the prescription legend; on the other you will not find the prescription legend but, instead, the statement:

Average adult dosage, one tablet repeated at intervals of 3 or 4 hours.

This drug is phenacetin. When the retail druggist gets an order from a customer to sell him half a dozen tablets of this drug over the counter and he picks up that bottle and sees that phenacetin manufactured by the Chase Chemical Co. is sitting beside the phenacetin manufactured by Sharp & Dohme—one carrying the prescription legend and the other carrying the dosage label—he does not know whether he is violating the law if he sells that drug over the counter or not. That is what we are seeking to eliminate in this bill.

As to what the amendment offered by the gentleman from Minnesota [Mr. O'HARA] would do—and I may say right here that I know his amendment was offered in good faith; I know the gentleman has worked hard and long on this bill and that he seeks the same as we—relief for the retail druggist and certainty and protection for the public—at the same time I fear that his amendment will not accomplish the end that he desires. He is just taking a different road trying to get to the same destination as we are. The only trouble is that there is a bridge washed out on his road and he cannot get through.

We must put the authority somewhere to determine which drugs are to be considered prescription drugs and which drugs may be sold over the counter.

The druggist, even with the O'Hara amendment, is left right where he was to start with, because in the case of two

manufacturers of the same drug, one manufacturer says by inference that it is a dangerous drug and the other manufacturer says that it is not a dangerous drug. Who is going to determine which manufacturer is right?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS of Mississippi. The only way that we can determine which manufacturer is right in such a controversy is to place the responsibility on someone to determine if—for instance—phenacetin, whether manufactured by Sharp & Dohme or some other chemical company is a dangerous or prescription drug. I think there is only one way we can do this, and certainly no other solution was offered to the committee. The general definition of drugs which was offered by the gentleman from Minnesota does not accomplish the purpose. If we do not put that authority in somebody we are not going to help the retail druggist out of the dilemma in which he finds himself because of the confusion relating to prescription drugs.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield.

Mr. HALLECK. The gentleman referred to Eli Lilly & Co. They are not in my district, but they are in my State. They are a reliable concern.

Mr. WILLIAMS of Mississippi. They are a very reliable concern. They are one of the best.

Mr. HALLECK. The gentleman read from that label and said, if I remember him correctly: "Adult dosage, one tablet," but the gentleman did not read that it also says: "To be prescribed by a physician," or words to that effect. Now, that follows Lilly's policy. What is the matter with that?

Mr. WILLIAMS of Mississippi. If the gentleman read the label on the other drug put out by Davis Rust & Co. he finds this: "To be dispensed only by or on the prescription of a physician." On the Lilly bottle it reads: "One or two tablets as directed by a physician." There is a lot of difference between the two legends.

Mr. HALLECK. On the Lilly bottle?

Mr. WILLIAMS of Mississippi. On the Eli Lilly Co. bottle the legend is in this language:

One or two tablets as directed by a physician.

To the druggist, that means uncertainty, which is the thing we are attempting to eliminate through this bill.

May I say to the gentleman from Indiana that I have had a lot of practical experience in a drug store. As has been said on the floor before, my father was one of the old-time country retail druggists of the State of Mississippi. I have seen the confusion that comes about as a result of these different labels on prescription drugs.

What the druggist is seeking is certainty. I think I know what he wants and needs, and I believe we are going down the right road toward giving that relief with the committee bill.

Now, if the O'Hara amendment is adopted, Eli Lilly & Co. may decide that the drug phenacetin, for instance, comes within the definition of a prescription drug as outlined in the O'Hara amendment. Another drug manufacturer might say that it does not come within that category.

Where does that leave the retail druggist? The only way that the retail druggist can be certain is to have that drug seized, the retail druggist hauled into court, have his drug seized and go through a long, costly process of litigation before some kind of definite determination is made. With 30,000 drugs you can see the impracticability of that approach. The Administrator may simply say that phenacetin is a prescription drug, if he so finds on the basis of testimony of experts as provided in the committee bill and phenacetin, whether manufactured by Eli Lilly, Sharp & Dohme, Squibb, or any other manufacturer, becomes a prescription drug.

If we leave it up to the O'Hara amendment the druggist will need to have a lawsuit to determine whether phenacetin manufactured by Sharp & Dohme is a prescription drug. After he gets that one decided, he will have to have a lawsuit over whether the same drug manufactured by Eli Lilly & Co. is a prescription drug. When he gets that one settled he will have to go on right down the line with the same procedure followed in the case of every company that makes that drug.

Mr. BROWNSON. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Mississippi. I yield to the gentleman from Indiana.

Mr. BROWNSON. In the first place, I do not think the gentleman has been a practicing druggist.

Mr. WILLIAMS of Mississippi. I am not a practicing druggist. I say that I have had practical experience in a drug store. I have jerked soda, hopped cars, and have done about everything but fill prescriptions.

Mr. BROWNSON. Eli Lilly does not sell soda fountain supplies. Their policy is to sell for physicians and for prescription use alone. That is why they indicate one tablet as prescribed by a physician. Does the gentleman want to go further and prescribe how the physician is going to use these drugs in addition?

Mr. WILLIAMS of Mississippi. If the gentleman will get himself a box of Eli Lilly's 5-grain aspirin tablets, he will see that exactly that same legend is put on a box of 500 5-grain aspirin tablets. Why should they put aspirin tablets "One to two tablets an hour as directed by a physician," when the drug is innocuous?

Mr. BROWNSON. Because at the present time Eli Lilly operates on a sales policy of selling for physicians and for prescription use only.

Mr. WILLIAMS of Mississippi. We are not interested in the policies of any individual company. We are interested in protecting the public and providing certainty for the druggist.

Mr. BROWNSON. We are certainly interested in them and I resent the impugning of that reputable firm here today.

Mr. WILLIAMS of Mississippi. The gentleman knows better than to say that. I know that the Lilly Co. is one of the best drug manufacturers, and one of the most ethical. He knows that I am not directing any criticism at that firm. I am merely stating facts.

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have deliberately moved to strike out the last word instead of rising for or against the pending amendment.

Mr. Chairman, as I told the members of this committee on yesterday, I was not privileged to sit through all of the hearings on this bill nor through all of the hearings in executive session and the consideration of the bill in executive session because of conflicting committee assignments, hence I am somewhat in the same position as most of the members of this committee, only my position is slightly improved by the fact that I was there in committee some of the time.

Mr. Chairman, I think it is quite evident to the members of the Committee of the Whole that the debate here is just about the same as it was in the committee itself. It is just one of those questions that is hard to resolve, and I think that the members of the Committee of the Whole understand, from the telegrams that they have received from retail druggists and from pharmaceutical houses and others, that there is wide interest, and hence wide expression on the part of those people for and against certain provisions of this bill. As a matter of fact, from where we sit it appears to me that this is a piece of legislation that is about to be written by the lobby, and there certainly is not a member of my committee who has had an opportunity to hear any more about them than I, and yet you would act on behalf of the telegrams and letters you have received.

I want to suggest to you one thing. Forget these letters and telegrams that you have received and realize that there are special interests involved here, each one trying to protect its own position, and try to arrive at some solution on the basis of sound reasoning. I will tell you why this committee, in my opinion, was not able to arrive at a unanimous conclusion. I think the reason they were not able to arrive at a unanimous conclusion was because of the lack of strong participation in the consideration of this legislation by the American Medical Society and others who prescribe these drugs. We did not have their advice, to the best of my knowledge, except some belated word that came after the hearings and the executive session consideration, even after the writing of the committee report was concluded.

I think we should have had that advice before we brought this bill here, because certainly the complications of

it are almost too great for any one individual to absorb and come up with a proper judgment.

I think in order to arrive at a right conclusion you are going to have to disregard the letters and telegrams that came to you and think solely and exclusively of the public interest. That is my humble opinion. I hope you will do just that. I am in the same position you are. I know that I am going to have to operate exclusively in the public interest to the best of my ability.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Arkansas.

Mr. HARRIS. May I say that I share the sentiments expressed by the gentleman. I would go further and say that the members of the committee sought the information from the American Medical Association, those who would be in charge of issuing the prescriptions.

Mr. HINSHAW. Exactly. We did seek that information and it was not forthcoming, certainly in time to do any good so far as the consideration of this bill was concerned. Nobody can deny that.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. Yes, if the gentleman can deny it.

Mr. O'HARA. We had a communication from the American Medical Association.

Mr. HINSHAW. When?

Mr. O'HARA. While the bill was under executive consideration. The gentleman was not there. It was on June 15.

Mr. HINSHAW. The bill had been written by June 15.

Mr. O'HARA. No, it had not been reported out.

Mr. HINSHAW. It had not been reported out, but it had been written.

Mr. WOLVERTON. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from New Jersey.

Mr. WOLVERTON. In answer to the explanation given by the gentleman from Minnesota, I think he is in error. If he would look at the minute book of the committee he would see that at no time did the American Medical Association ever indicate to this committee of ours, opposition to this bill. We sought time after time to have someone representing that organization come before us. I did it myself. It was impossible to get anyone from that organization to appear before our committee. They finally put it off with the idea that it would go before the convention in Atlantic City. The convention was held, and they adjourned without any action whatsoever being taken on this matter.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Texas.

Mr. BECKWORTH. As I recall, some representative of the American Medical Association was even in the committee room part of the time. He was asked whether or not he would appear, and declined to do so. The committee sought with great diligence to get an accurate expression of the views of the association.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Minnesota, who, as a physician, ought to know more about this than anybody else around here.

Mr. JUDD. I cannot testify on this particular matter, but I should like to have the benefit of the gentleman's independent judgment as to the merits of this amendment, regardless of lobbies.

Mr. SPRINGER. I would, too.

Mr. HINSHAW. My personal opinion is that it is not as bad as some people would make it out, and with the word "efficacious" stricken out of it by the amendment of somebody here a little while ago, it is perfectly all right. I do not see anything wrong with it as the bill now stands. I am not going to get worked up about Oscar Ewing, either.

Mr. LEONARD W. HALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, it is too bad this bill comes before us today in the form it does. The real question which interests the druggists is the prescription part of the bill. If we could only have passed on that, it would have come out of our committee unanimously, and I think it would have passed this House on the Consent Calendar.

I know there is an association running around saying the retail druggists want this particular part of the bill that the O'Hara amendment strikes out. I have a number of independent druggists in my district, and I have not heard from one of them with respect to that provision of the bill contained in the O'Hara amendment.

I admit there is some confusion. The gentleman from Mississippi has again brought before us bottles of drugs which we saw during the hearings on the bill. I can conceive that maybe our retail druggists are a little bit confused. But I ask you, Are we going to give this grant of power because someone is confused? I have been in this body for about 12 years. I have seen a great amount of confusion on different subjects but I have never seen any of that confusion eliminated by putting more power into the hands of any administrator in Washington. That is just exactly what some members are trying to do here today.

Let us consider the problem presented by these bottles of drugs further: Under the present law the Administrator can correct that today. No one can deny that. But he does not want to go into court and get an injunction. He does not want to proceed by criminal proceedings. He wants to get an administrative court so as to make his job that much easier. Under section 4 of the bill as we have it before us today the Administrator is given even more power to correct the situation on the labels as described by the gentleman from Mississippi.

I am sorry that when we get any piece of legislation we have to go down the same path and admit that there is only one answer, namely, to give somebody more power in Washington.

Apparently we have reached the point where we do not trust our big manufacturers.

Consider the case of aureomycin. Somebody mentioned that the other day. I know a little bit about it. Millions of dollars were spent before that drug appeared on the market. Do you think those manufacturers who are now making great profits are going to put anything on the label of that drug which is not true? For selfish reasons alone they would not. I think we still have to have a little faith in them.

Most of our States have laws on their books with respect to the dispensation of drugs. Have we reached the point where we do not even trust our State governments? To me this in part is a good bill but let us not use the good part of the bill to put more power in the hands of some bureaucrat in Washington.

If we pass this bill today in its present form, and I remind my colleagues that many Members get up on the floor each year and say that we should not give any more appropriations or larger appropriations to heads of bureaus or commissions, I repeat, if we pass this bill today Oscar Ewing is going to come before us next year and is going to say, "I have to list all of these drugs." I think he will have a perfect right to say that he will have to have a number of new employees to carry out the job that Congress has given to him under this bill. Let us not cripple a good and necessary piece of legislation by adding to it this uncalled-for grant of power.

I trust the O'Hara amendment passes.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. LEONARD W. HALL. I yield.

Mr. KEATING. There has been some discussion about the attitude of the medical profession. I have had nothing from the American Medical Association but I have today received a telegram from the Medical Society of the State of New York saying:

> The chairman of the legislative committee of the Medical Society of the State of New York has instructed me to respectfully request your opposition to the bill, H. R. 3298, so long as it retains section (B).

Mr. LEONARD W. HALL. I think when we speak of the attitude of the American Medical Association and when we say they have not taken any action or expressed any attitude we mean at their meeting at Atlantic City where they met as a national body they did not take any action.

Mr. KEATING. They did not take any official action of which I am advised but I assume perhaps the gentleman has received a telegram similar to mine to the effect that the New York Medical Society is definitely in opposition to that section (B). Certainly I think that is one factor which we ought to take into consideration because presumably the medical society is trying to look out for the interests of the general public.

Mr. LEONARD W. HALL. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HESELTON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is not pleasant for me to oppose an amendment proposed by my colleague and friend the gentle-

man from Minnesota [Mr. O'HARA] and supported by my other friends and colleagues from New York, Indiana, and Michigan. But I think it is incumbent upon some of the members of the committee who reported this bill out as a sound piece of legislation, to try at least to state the reasons why the pending amendment should not prevail. I suggest that the gentleman from California [Mr. HINSHAW] who spoke a few minutes ago, made a very sound, constructive suggestion to the membership here. As far as I am concerned, I do not see the dangers that others profess to see in this section of the bill.

In the first place, we have a precedent for it. It is entirely consistent with the act of 1938, when the Congress gave this Administrator authority to list habit-forming derivative drugs named in section 502 (d). Incidentally, I do not think anyone would suggest that that authority has been abused.

In the second place, it has been repeatedly stated that if we adopt the amendment offered by the gentleman from Minnesota [Mr. O'HARA], and I do not think he will dispute this, that inevitably the situation will be left exactly where it is. It has been suggested that there is wider power. What is it? It is the power to prosecute criminally. It is the power to seize drugs. It is power to enjoin. I think everyone recognizes that there is both uncertainty and confusion in this picture; and certainly if that is so, a vote to adopt the amendment offered by the gentleman from Minnesota does nothing to remove that uncertainty and confusion.

I hope we will not forget that we removed from this bill in the consideration of it earlier—and I think it was wisely taken out—the part relating to efficacy. So we are dealing now only with the question of safety; safety for the American people who use these drugs. That is all there is in this.

If you are going back to the question of letting criminal procedures and seizures and injunctions determine it, you have 80 district courts in this country. You know and I know, with the jury system, it is utterly impossible to insure any consistency through that procedure. You will have one case decided one way and another decided in another way, and we would never have an end to it.

Moreover, there is the question of delay involved in litigation. In one of the district courts recently there was a drug, a hormone case, which contributed to the growth of cancer. That was held up in litigation for over 2 years. Meantime, irreparable damage was done to the people of this country who mistakenly used that drug.

I say it is a question of public welfare. It is a problem of public health. When a committee, by a majority of 19 to 4, after days of hearings, after almost a full week of executive sessions, comes to you with a recommendation such as this, I hope you will not lightly turn it aside, because action is needed.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield.

Mr. O'HARA. The gentleman refers to the drug which contributes to cancer. Does the gentleman admit that under this bill you have the same long drawn-out proceedings?

Mr. HESELTON. I doubt it.

Mr. O'HARA. Greatly magnified under this bill?

Mr. HESELTON. You know and I know that only a small fraction of the 30,000 mentioned in the list will be included in the list. In Canada they have a list with 18 drugs on it. With any degree of intelligent action we would have clear action in a reasonable time. Instead of projecting this over 30,000 cases, the gentleman from Texas [Mr. BECKWORTH] pointed out that in the hearings we had 140 cases between December 28, 1943, and April 1, 1951. I do want to do away with the tortuous case-by-case procedure. I do not want our people dragged into court and fined and given suspended sentences or imprisoned or enjoined or have their property seized because they do not know whether they are now safely selling drugs over the counter. They are justly entitled to all the certainty possible. I know the public that is using these drugs has some rights here today. I hope they will be recognized.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BECKWORTH. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I object.

Mr. BECKWORTH. Mr. Chairman, I move that all debate close in 20 minutes.

The CHAIRMAN. The question is on the motion.

The question was taken; and on a division (demanded by Mr. AUGUST H. ANDRESEN) there were—ayes 90, noes 19.

So the motion was agreed to.

The CHAIRMAN. The Chair has a list of names of the Members seeking recognition. The time will be divided equally between them and that will give each Member about 1½ minutes.

The gentleman from Wisconsin [Mr. KERSTEN] is recognized.

Mr. KERSTEN of Wisconsin. Mr. Chairman, as I understand the present bill, without the amendment it would be incumbent upon the Administrator to decide what drugs could be prescribed and those that could not be prescribed; in other words, he would have the responsibility of that rather very important function. It is true that there are a certain number of difficulties and there may be uncertainties in the present system, but in my humble opinion we are not solving them by putting this power in the hands of an administrator. I should like to make this short analogy: Suppose, for example, we were to put into the hands of an administrator the decision of what constituted the practice of medicine, in other words, an analogous field. Under the present system that question is determined by the courts, but if we were to put it into the hands of an administrator to determine what constituted the practice of medicine you would then be concentrating similar power in a Federal bureau. In my opinion a Federal administrator has not got the angelic mind he would have to have in order to do the things that the proponents of the present bill say he would have to do. In my opinion, with all of its difficulties the present system is superior. It is more in conformity with the facts, because you cannot take a considerable number of drugs and adopt a uniform rule for them. If a mistake is made by the Administrator the effects are Nation-wide.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. EVINS].

Mr. EVINS. Mr. Chairman, on the whole, I think the committee has done a very good job insofar as two parts of this bill are concerned. However, I feel that the third section, section (B), is very controversial, and that it is neither necessary nor desirable. My objection to section (B) does not come about because I am representing any patent-medicine company or any special interests, as some may here have implied. I know of no drug-manufacturing company in my district.

My objection is based upon the additional authority to be here created and granted. There is already an existing body of law sufficient to take care of the situation. The public interest is already well served. There exists the Food and Drug Administration. We have the Food and Drug Administrator, a large body of laws, with authority to confiscate dangerous or deleterious drugs and to take them off the market. We have the Federal Trade Commission, which has authority to proceed against firms which may engage in unfair methods of competition or mislabeling, false advertising, or for making false and misleading statements, or engaging in misrepresentations. Adequate protection is thus afforded the public in this regard and no new authority is needed. I feel that there is a sufficient body of law at the present time, without giving additional authority to some administrator whereby a "black list" or "white list" of approved drug items might be set up. We might have a situation where the Administrator could say, "We will approve your product," and this approved product would be on the "white list," or the Administrator could say "I will not approve your drug for sale except by prescription," therefore this product would be on the "black list," as far as the sale over the counter is concerned. I do not think that situation should exist. Unless the O'Hara amendment is adopted, such a situation could develop.

It occurs to me that ample authority already exists both through the Federal Trade Commission and the Food and Drug Administration to cope with the situation concerning which section (B) of the bill is designed to afford protection. The authority proposed might well be properly administered. On the other hand, it could be misabused or abused.

I think existing authority is quite sufficient and that section (B) is not needed, and, therefore, that the O'Hara amendment should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho [Mr. WOOD].

Mr. BURDICK. Mr. Chairman, I ask unanimous consent that the time allotted me may be given to the gentleman from Idaho [Mr. WOOD].

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. WOOD of Idaho. Mr. Chairman, several times the question has come up this afternoon as to why the American Medical Association has not appeared on one side or the other of this bill. I do not know why. I have not talked with that organization. I might point out that this is a drug bill, not doctor's bill. There is a National Association of Druggists, and, of course, they are the ones that should appear on a druggist's bill. I might also say that the experience of the American Medical Association with this particular Administrator has not been too happy in the past.

I have practiced medicine for 47 years. My opinion regarding this bill should be worth some attention.

How strange that medicine is the only one of the so-called learned professions about which every Tom, Dick, and Harry, and their wives, feel themselves perfectly competent to render expert opinions on almost every phase of that art and science.

Even more baneful is the fact that governmental bureaucrats also feel the urge to do something to help the lot of the supposed down-trodden and long-suffering public, writhing under so-called inadequate medical care, in spite of the fact that America is the Mecca of medical accomplishment, toward which the eyes of the world are turned, and also where medical care is more adequate than in any other country in the world.

This bill proposes to give a bureaucrat the authority to specify a list of so-called dangerous drugs and promulgate the rules under which they may be sold, or prescribed by physicians. Would you not feel that the physician through his national organization and its council on pharmacy and chemistry should be the authority to prepare such a list, and that the physicians themselves, through their national organization, should be the ones to prescribe the rules under which they may be used?

The Council on Pharmacy and Chemistry has investigated thousands of drugs in the past 40 or more years. They are the ones who have already gotten together such a list, and they have been sending that list to physicians for that length of time. Many of the States have followed the lead of this organization, and have promulgated lists of dangerous drugs to the pharmacists, and have forbidden their sale without a prescription.

And the law is working perfectly in the States where it is applied. If the druggist sells such drugs without a physician's orders, he is liable to the law for whatever trouble originates through such sale, and is directly liable to the State itself for the violation of the law. My experience with pharmacists in the past 47 years is that they are a group whose personal and professional standing is as high as that of any other profession. They are not potential lawbreakers.

Even in the States which do not yet possess this law, the remedy can be in the physician's hands, if he cares to use it. Long before Idaho passed the abovementioned law, it was my custom to write on the bottom of the prescription for one of these potentially dangerous drugs, the simple phrase: "Nonrepetatur," usually abbreviated to "Nonrep." A pharmacist is bound by all the rules of his profession not to refill that prescription, and I have never known or heard of a transgression of that rule.

As an illustration of how difficult it is to determine the correct answer to this problem, and how tragic it would be to have some ill-informed bureaucrat promulgate the rules for their use, as well as to tabulate the dangerous drugs, may be mentioned the fact that even a simple and harmless drug may be potent for harm under conditions which could only be determined by the physician in actual attendance on the patient. Even such simple things as salt, which could never be classed in that category, might shorten life in a case of dropsy, even in the amounts customarily used at the table.

Aspirin is not a dangerous drug, yet I cannot take even one tablet without vomiting. Penicillin is not generally classed as one of the more dangerous drugs, yet one of our most valued Republican Congressmen is in the hospital right now suffering from a severe allergy from even a small dose.

What then should be done with this bill? My own feeling is that it is about as useful as two thumbs on a hand would be. Pharmacists are already following the first section, and have been for years, and section 2 is impractical, or even foolish. Whatever is not useful and practical in legislation is harmful. Therefore, I feel it should be voted down.

I do feel, however, that the States which have not yet placed the dangerous drugs statute into effect should be urged to do so, through the force of public opinion, and through petitions sent to State legislatures by physicians' and pharmacists' National and State organizations.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. BENNETT].

Mr. WOLVERTON. Mr. Chairman, if the gentleman will yield, I ask unanimous consent that the time allotted to me be yielded to the gentleman from Michigan [Mr. BENNETT].

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BENNETT of Michigan. Mr. Chairman, the effect of the O'Hara amendment is relatively simple. What it does is to legalize the regulations under which the Food and Drug Administration has been operating in this field for a period of years. Section (B), as set forth in the O'Hara amendment, substantially embodies the terms of the present regulations. What is wrong with that, and why does the Food and Drug Administration want it changed? Simply this: Here is the procedure they are obligated to follow at present. If a drug manufacturer dispenses a prescription drug on a nonprescription basis, which Food and Drug feel is dangerous, they proceed against the manufacturer in several ways, either to prosecute him criminally, proceed against him by injunction, by enjoining him from further manufacture, or by confiscation, or by any combination of those remedies. Now what about the case of the druggist? Under this system if the retail druggist sells a drug in accordance with the label put on it by the manufacturer, if he acts in good faith, he is not subject to prosecution, even though the drug manufacturer would be. All they can do is to confiscate the drugs. If they confiscate his drugs, he has his recourse against the manufacturer. This is rational procedure.

But here is what the Administrator wants to do. He does not want to give the manufacturer or the druggist his day in court. The burden of proof is on the manufacturer or druggist. They must go into court and show that the drug is actually safe without a prescription. The Administrator wants an easier way. It is more difficult to give a man his day in court with the presumption in his favor than to proceed by administrative regulation, which provides no presumption for the citizen.

But it is safer and wiser to pursue a different course. Let us stay on the safe side by adopting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. ROGERS].

Mr. ROGERS of Texas. Mr. Chairman, I have listened with a great deal of interest to this heated debate, and I have concluded that the reference to the lobbies and the personalities and the bureaucratic control is something that we are not going to settle by passing this bill or adopting the O'Hara amendment. The focal point that should be considered that could remedy this entire situation is the substantial-evidence rule. The doctors do not have a great lobby that is against the American public. They are respectable people. So are the druggists, and certainly so are all of the Americans. But the one thing that they fear in this legislation is the fact that Oscar Ewing or John Doe or any other Administrator will have the power to set a rule or regulation, and that the man who is affected and hurt by that cannot go into court and have his day in court.

This Congress should go to work on correcting the ill that has been caused by the substantial-evidence rule, which has, in effect, taken away from the people of the United States their day in court and turned it over to administrative officials. When you rectify that situation, you are going to solve the problem that besets you because of bureaucratic control, and only then will it be solved.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BECKWORTH].

(Mr. CARLYLE asked and was given permission to yield the time allotted to him to Mr. BECKWORTH.)

Mr. BECKWORTH. Mr. Chairman, I was very much impressed by the statement of the gentleman from Nebraska [Mr. MILLER]. He emphasized that some 700 new drugs are coming on the market. Certainly this will add to the confusion that already exists. It is that confusion that this bill is designed to alleviate in part. When the inference is given that just two parts of this bill are important, and that this third part is not so important, that is just a misleading inference. This third part, the one that has been so controversial, is a very important part of this bill.

A lot has been said about a man's having his day in court. One of the things we are considering in this bill is that very question of the day in court, a day in court with reference to the sale of a given drug. The way the situation is today, you have your day in court after you have sold the drug, if you are a druggist, and if you are guilty you are already guilty. What we are trying to do in preventing the adoption of the O'Hara amendment is to see that a man has his day in court, as it were, before he is already guilty of something. If we adopt the O'Hara amendment, we shall continue to have the exact situation we have today, and added to this list that I have referred to on page 98 will be a lot of other druggists in this country who will be brought into proceedings after they have already performed the acts which subject them to the charge.

I cannot believe the members of this committee want to continue to cause a great segment of the businessmen of this country to have to undergo the uncertainty which has characterized their efforts.

The gentleman from Indiana [Mr. HALLECK] said that the Pure Food and Drug people say that the consumer is protected. Even though that be true, and I almost doubt it under the uncertainty that exists, still the druggist is one of the people we are proposing to try to protect, and he has stated in the most vocal manner he can through his national organization of some 34,000 that he does need that protection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, it gives me pleasure to support the O'Hara amendment. Apparently I have some pretty good druggists in my district. I have never found any of them hanging on jail doors so far, and I do not know of any of them having been locked up—and I have been around some of the jails myself. I think the druggists are getting along pretty well. They do write me a great many times and say, "Please do not give any additional powers to the executive agencies of the Government." Therefore I am very delighted to have my friend, the gentleman from Minnesota, offer this amendment, and I hope it will be approved. Then I will have no objection to this bill as it has been presented, that is, if it can be amended in this way.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman, and members of the Committee, I could not help but feel that if certain common words like "bureaucrat" and "socialist," and so on, were eliminated from the English language a lot of speeches could not have been made here today. The fact of the matter is that a lot of balderdash has been uttered in an effort to sabotage this bill. The thing that really counts is what the O'Hara amendment would take out of the bill. What protection has a man at this time? Yes, he can go ahead and defy the law and be tried and sent to jail. They say that the jails are not filled with people like that. But many of them have been sent to jail in just that way. This is the only way we can give a man a fair hearing before the man is in trouble and before an injunction has perhaps ruined his business and even his reputation. All this does is to undertake to put in the hands of this man the authority to do the job. I never knew much about this man but I saw no horns on him when he appeared before our committee. Perhaps we can get some sweet-looking fellow that would suit these people better. But I have seen nothing and heard nothing to indicate in the slightest degree any desire on his part to arrogate to himself any unlimited power. The fact of the matter is I thought the Administrator was unusually modest in not wanting to have a great deal of power put into his hands.

I hope that this abominable amendment may be voted down and the people of this country protected.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. CROSSER] has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. O'HARA].

The question was taken; and on a division (demanded by Mr. HARRIS) there were—ayes 141, noes 85.

So the amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COLMER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 3298) pursuant to House Resolution 354, he reported the same back to the House with an amendment adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 303. Joint resolution to provide housing relief in the Missouri-Kansas-Oklahoma flood disaster emergency.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4329) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1952, and for other purposes."

RESIGNATIONS FROM COMMITTEES

The SPEAKER laid before the House the following resignation which was read by the Clerk:

HOUSE OF REPRESENTATIVES,
Washington D. C., July 27, 1951.

Hon. SAM RAYBURN, *Speaker,*
House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I herewith submit my resignation to the House Committee on Interstate and Foreign Commerce effective July 30.

Respectfully,

WILSON D. GILLETTE.

The SPEAKER. Without objection the resignation is accepted.

There was no objection.

The SPEAKER laid before the House the following resignation which was read by the Clerk:

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 1, 1951.

Hon. SAM RAYBURN,
Speaker of the House,
United States Capitol,
Washington, D. C.

DEAR SIR: I hereby tender my resignation as a member of the Committee on Veterans' Affairs effective this date.

Yours very truly,

HARMAR D. DENNY, Jr.

The SPEAKER. Without objection the resignation is accepted.

There was no objection.

ELECTION TO COMMITTEE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer a privileged resolution (H. Res. 365).

The Clerk read as follows:

Resolved, that HARMAR D. DENNY, JR., of Pennsylvania be, and he is hereby, elected to the Committee on Interstate and Foreign Commerce of the House of Representatives.

The resolution was agreed to.

TREASURY-POST OFFICE APPROPRIATION BILL, 1952

Mr. GARY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3282) making appropriations for the Treasury and Post Office Departments and funds available for the Export-Import Bank of Washington for the fiscal year ending June 30, 1952, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. GARY, FERNANDEZ, PASSMAN, SIEMINSKI, CANNON, CANFIELD, WILSON of Indiana, JAMES, and WIGGLESWORTH.

THE CENTRAL VALLEY IRRIGATION PROJECT, CALIFORNIA

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include an article from the Christian Science Monitor.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAVENNER. Mr. Speaker, today the people of California begin a 10-day celebration of the official opening of the irrigation department of the great Central Valley project. For the first time in the history of the world irrigation water will be moved, under the direction of man, for a distance of 500 miles. After the first water is released from Shasta Dam, at the northern end of the Sacramento Valley, it will take 10 days for it to reach the southern end of the Friant-Kern canal in the lower San Joaquin Valley.

Two-thirds of the Central Valley project's water supply originates in the Sacramento Valley, but only one-third of the agricultural lands which can be irrigated are in this section. So the largest celebration will occur when Secretary of the Interior Chapman dedicates the huge pumping plant at Tracy, where the northern waters will be pumped over "the hump" into the vast agricultural areas of the San Joaquin Valley, stretching southerly for nearly 300 miles.

Mr. Speaker, water is the lifeblood of California's economy, and the unfication of the water resources of these two great valleys, whose soil is as rich and fertile as that of the Valley of the Nile, is an epic achievement. All of the people of America will in the future partake of the food crops which the wizardry of this water supply will produce in this great agricultural domain.

We Californians are grateful to the Congress of the United States for financing this great project, and we are confident that all of our previous promises to repay much of the money expended will be fulfilled.

Following is a fine description and discussion of the Central Valley project, which was published a few days ago in the Christian Science Monitor:

(By Saville R. Davis)

IN AN AIRPLANE OVER REDDING, CALIF.—From 11,000 feet, on a level with the top of Mount Shasta, you sweep north over the thirsty Central Valley of California and say to yourself: This is one answer to the world's problems.

Below you is point 4 in operation.

You have flown along 500 miles of valley where water makes the difference between parched desert and an incredible richness of yield. Not water as nature unleashed it, catastrophic flood followed by unbearable drought, but water stored in floodtime by the ingenuity and cooperative effort of men, and distributed evenly throughout the year.

You have flown over a crazy quilt of fields in the south part of the valley, where some of the highest yields an acre in the world are in imminent danger. The water table is falling rapidly and must be rescued.

THIN CURVE OF WHITE

You followed the long threads of rivers, dams, canals, and pumps which in effect will deliver surplus water from the northern top of the valley all the way to the south, beginning August 1. On that date, huge pumps at Tracy will lift northern water into the Delta-Mendota Canal and cut in the connecting link of this vast system.

You watched first the cotton and citrus fields and the vineyards melt into a hot haze behind you; then the abstract art of the rice paddies farther north. Now you go up into the nose of the plane and look past the pilots to see what makes it all possible.

The Sacramento River narrows. A mountain wall looms up at the top of the valley. A patch of whiteness against a gray-hot sky becomes the cone of Shasta in the distance. You can almost feel the tension exerted on that snow and mountain water by the craving of the valley behind, a pull of the lives of men and women and their desire to feed the hungry and make nature work for the people instead of against them.

Then you see it, a thin curve of white, no bigger than a man's hand. As the plane climbs higher and the foothills drop below the line of your eye, it suddenly stands out, glistening. And behind it is water, blue, blue, and seemingly endless. The higher you climb, the more water you see, reaching like the spokes of a fan back into deep mountain valleys.

WATER UNDER AUTHORITY

Your greedy eye tells you there is no treasure like this, as the sheets of blue finally come into full view, and look like an empire of wealth below. This is water under authority, ready to go down through electric generators, down the Sacramento River, across the maze of the deltas, up through the pumps of Tracy, along the Delta-Mendota canal for 120 miles, down into the San Joaquin River—thereby releasing the headwaters of the San Joaquin to flow on southward in the 150-mile Friant-Kern Canal, into the very pit of fertility and falling water tables in the bottom of the valley.

A man can be forgiven a sense of rhapsody at a moment like this.

Back in the slipstream of the plane and ahead in those fjords of water are examples—so easy to see and grasp within the classic limits of one valley—of what both the individual and cooperative genius of men can accomplish. Down below there is a whole complex of rich farms built by the initiative and drive of men who love the land, local irrigation districts which slowly brought order into a fantastic tangle of water rights, and huge dams where the distant power of national government brought its giant financial strength into the valley and its controversial ideas on conservation and the family-sized farm.

CONTRADICTORY ELEMENTS

Looking at it from up here where the haze thins out, you can't see clearly enough to resolve all those conflicts down below. But you can at least make out a pattern which includes all the fiercely contradictory elements. You have the owner of the large farm, who looks very big to the small migrant worker, and in turn feels very small when he looks up at the power of the Federal Government.

You have the drive of individual initiative raised to a high intensity by the extremely profitable return for efficient operation in the valley—and you have the socially conscious drive to protect the migrant worker and the family farm.

You have the advantages of big business, never more brilliantly illustrated than on the enormous industrial farms here which are operated as business enterprises, and you have the disadvantages of bigness. Likewise you have the very human longing for security on a smaller subsistence farm, where it is economically feasible, and you have the limitations of the small unit in this world where the consumer wants the low costs of bigness.

You also have a lusty political battle.

This country now has what is called a "mixed economy." Those who believe in slanting it as heavily as possible in favor of private initiative are battling in this valley against partisans of the Bureau of Reclamation which would slant the mixed economy in favor of public power and control of water to favor the small landowner.

Snce the American democracy is built that way, each side is using every political weapon to advance its cause.

THIRD INGREDIENT

From up aloft, here, it is easier to see a third ingredient which exists independent of the controversy. It is the fact of more water for the valley. Whatever the final balance between the individual and the collective, it's plain that something very big is happening here. It is easy to fancy, at this height, that you can see out beyond the valley walls and across a world where the development of resources has only begun.

Many a prophet, standing at the half-century mark last winter, looked ahead 50 years and said that the development of world resources, to feed the hungry and lift the degrading plague of poverty, would dominate the new half century. Granted that big projects—dams and irrigation, for example—are only part of this picture. What underdeveloped areas most need at the start is not tractors but to add a few pounds of steel to the wooden stick which most of the world's farmers use for a plow. At first, unspectacular teaching of simple good farming with modestly improved tools offers by far the greatest gain.

But the Central Valley projects have their place too. They lift sights and plans. They show what the group can do, which men living each unto himself cannot accomplish. Without vision, as the prophet said, the people perish—in this case from flood, erosion, natural drought, and drought from misuse of the land. There is vision, here, for people elsewhere who are crushed under the weight of inertia and who just don't know that it can be done. Once they learn—who shall say what limits there will be to similar valley projects?

DOWN TO EARTH

To come down to earth.

There is one point on which the whole valley is united: the new supply of water is itself a kind of miracle. Everyone welcomes it. But from that point on begins one of the really epic contests of these times. Two

coalitions of people, two philosophies of government, are locked in dispute over which shall control the distribution of the precious liquid. Each has a special interest and each believes it represents the American way.

The conflict is complete. In the lustiest tradition of American politics, each side is using argument, propaganda, State and national political pressure. No more genuine dispute could divide two groups of people.

The only fair procedure is to state the case for each, with all the eloquence of its sponsors. Then let the democratic process work, the reader make up his mind, and the best man win.

On one side stand the supporters of the United States Bureau of Reclamation, conceived by one Roosevelt and lifted to its present pinnacle by another. The following is the best partisan—repeat partisan—argument for the Bureau that a week in the Central Valley could yield, from all available sources:

IMAGINATIVE TERMS

The Bureau of Reclamation stands for a very large concept called conservation—conservation of national resources and their development for the best use of the largest number of people. It thinks in bold and imaginative terms. It enters the Central Valley as a combination engineer and politician would set about a job of master planning for the community as a whole.

It asks: What are the total water resources of this valley available to competent engineers? How can they be harnessed so as to serve the best balance between all the elements of land and resource development for this valley: flood control, irrigation, production and distribution of electric power, preservation of water tables, forestation, recreation, scenic development, fish and wildlife conservation. And how can these factors be fitted into a broadly liberal concept of social and political planning for the valley? How can the benefits of public investment of public money be made to serve the largest number of people?

For the Bureau is frankly a social and community planner. At its very inception, under Theodore Roosevelt's law of 1902, it was brought into being to form homesteads—subsistence farms for small men. It had then, and retains now, a definite social philosophy: that large concentrations of landed wealth can readily be built up under the competitive system, and become powerful enough to drive the small man out of business unless society steps in and defends the small man.

DRASTIC POSITION

The Bureau and the reclamation law behind it developed not long after the first antitrust laws in the industrial field. From their very beginning in 1902 they have taken a drastic position against land bigness, through the extremely controversial 160-acre limitation, as it is called—the provision that water and all the benefits flowing from Federal reclamation projects shall not go to farms larger than 160 acres, except in States where man and wife can hold property in common. There the limit is 320 acres.

The Bureau and its friends believe this is in the American tradition. Americans, they argue, came to this country precisely to escape from the medieval form of society where the few big men were lords and the many small men were serfs, where land reform came only by bloody revolution and didn't come to stay.

The American democracy was built by and for the average man, and history books show many safeguards written into law by the early settlers and the founding fathers, so that no men could take advantage of the tendency of wealth and power on the land to beget more wealth and power, and thereby to set up a land monopoly and a kind of dictatorship over the lives of its workers.

Today, in the Central Valley, the Bureau and its supporters live by the same philosophy. Which is better, they argue: A valley where water brought in by public money is used to encourage as many men and women as possible to own their own homes and farms? Or the valley where huge corporation farms with their inevitable encouragement of drifting, homeless, migrant labor, are allowed to dominate the picture and grow unchecked?

UNITED STATES LAW CALLED IN

"Is the latter a fit pattern for American society?" they ask. If not—here a tough-minded political point comes in—then who is to prevent it? The laws of the States. Sometimes, yes. The admirably democratic irrigation districts here are a formation of California law.

But in general, granting the merit of States' rights, history shows that the National Government has been more responsive to conservation needs and to the small man than State legislatures, and the latter have been more vulnerable to the lobbies and special interests of large landowners, private utilities, and industrial units. So the argument goes.

Hence the Federal law steps in—or rather is called in, because up to now the States haven't felt they could muster the financial strength for the huge dams, canals, and power plants for the regional developments of today.

When opponents of the Bureau argue that it is big and remote and socialistic and dictatorial, and represents an even worse example of bigness than the large farms it wants to counterbalance, in the valley, then the Bureau's friends reply that it is big, yes. The Federal Government is big. But what is the effect of its intervention in the valley? To protect the small man, which is a legitimate function of Government. The unavoidably large power of Government is being used not for purposes of bigness but to encourage a citizen-sized smallness.

CHARGE REJECTED

In general, the Bureau's friends consider that it supports private enterprise rather than the contrary. It carries Government operation only to the point of delivering water to the private farm, business, or consumer.

From that point onward, its concern is to serve as many private enterprises as possible. (With respect to electric power, the debate is admittedly a little different and too complex to summarize adequately here.)

Finally, the friends of the Bureau reject the charge that it denies to Americans the right of equal opportunity. Opportunity, they ask, for whom? For the comparatively few or the many? Exclusive opportunity for those who are already established owners of land and water rights and who naturally look askance at newcomers—or for the workers and migrant laborers who don't have land now, and would like to get enough land and water for a home and family? What, they ask, is "equal" opportunity—especially in a valley where both land and water are in short supply—except opportunity for the largest number of citizens?

THE OTHER SIDE

On the other side of this large-scale debate stand the organized farmers and business organizations of the valley. They are supported to the extent that its policy is not to interfere with local administration of the water resources. The following is the best partisan—repeat partisan—argument for their side that a work in the valley could yield, from all available sources:

To begin with, they tell you, the reclamation law is archaic. It was created to open up new homesteading land a half century ago. If its 160-acre limitation made sense then, it makes none today.

For one reason, the Central Valley is not a wasteland area to be reclaimed. When the Bureau of Reclamation came in here, much of the valley was a highly developed area with an intricate system of water rights tested in the courts.

To be sure, a large amount of new land will be brought into use by Bureau water, and the rapidly falling water table will have to be reclaimed. But to talk of reclamation for the area as a whole makes nonsense. The Bureau, entering the valley with an alien philosophy, is not touching virgin soil as in much of the Tennessee Valley; it is touching men's long-established investments and rights in which they should be secure.

This cannot be done under the morale of our system. The Government has no ethical right to tear up a system built by men who were free to build their own way of life in order to impose some other philosophy and system.

OPPOSITION VOICED

For this reason small farmers as well as big are generally opposed to the Bureau and its policy. Actually, small farms dominate those parts of the valley where fruit and nuts are grown. Subsistence farms are entirely practical for these crops. In the Kings River service area, for example, the average size farm is 30 acres.

These farmers are individualists. They believe in opportunity and don't want to be told they can't expand. They are mostly organized in irrigation districts under the admirable California law, which include some 450,000 acres throughout the State and are run by democratically elected boards of directors.

With few exceptions these small farmers stand firmly with the large farms in opposing extended Federal intervention in their affairs. They say it is a misleading propaganda device for their opponents to argue that the issue is big farms versus the Government.

They say the issue is both small and big farmers, who want local ownership and control, against regimentation and dictation from Washington. As a visiting party of writers was told in Fresno by Gilbert H. Jertberg, "Those who administer and control the water resources control the life of the valley."

But big farms, most of them outside the irrigation districts, are an issue, too. They show the real absurdity of the reclamation law. They represent something the law never conceived: modern bigness, which is far more efficient and can produce lower-cost crops than any other known variety of land use.

These are the equivalent, on the land, of the great industries which are the glory of American productive power which pay the highest wages and produce the lowest-cost automobiles and deep freezers and TV sets anywhere in the world.

MECHANIZED BUSINESS

These farms produce cotton and vegetables on the same incredible scale. They are not farms in the ordinary sense; they are businesses. They are mechanized to their fingertips. Their managerial and accounting systerms are like those of industry. They require a massive investment.

Their financial strength is necessary to pay the huge costs of drilling deep wells in areas away from river banks and canals and irrigation districts. They are large enough to stagger their planting and harvesting seasons of several crops, to make the work season as long as possible for their labor and to keep as many year-round workers as they can.

For community reasons, you may not prefer bigness and you may sympathize with

the idea of family-sized farms. But you as an American consumer have proved that you are not going to turn your back on the big, efficient chain store, and go back to the corner grocery. You are not going to ask Congress to break down General Motors Corp., as long as there are Ford and Chrysler and the others to compete healthily with it. And in the same way, bigness in those areas of the valley which mass-produce low-cost row crops is here to stay. You the consumer want its cheap, mass-produced crops.

To break down bigness of this sort—which is certainly not monopoly because there is plenty of competition between big units—is flying in the face of progress. Anyhow, it won't work.

HEART OF ARGUMENT

Next, come to the heart of the free-enterprise argument.

The United States today has taken its stand as the citadel of free enterprise. We believe in that system. The alternative is central government so powerful that it becomes a dictatorship. The man or Government agency who lays a hand on that freedom of enterprise, who assumes the right to shut off your water or deny you new water if you don't follow his rules, is destroying that system.

Granted there are laws which men must obey. But those are laws to preserve freedom, not supplant it. And any Federal agency which flies in the face of modern bigness, which puts a fence around a man's opportunity and says, "No further; you may not expand your business," is already well over the danger line.

The Bureau is socialistic. It believes in public power as a doctrine, and public control of water distribution is another logical outcome of that sort of thinking. It puts the plan before the individual, and we put the individual before State planning. When you are a farmer, struggling with the many problems of irrigation and you think your rights are in danger from a Government bureau, then you learn what a man's objection to the heavy hand of Federal Government can be.

Your opponent is a huge, remote abstraction, backed by enormous appropriations of the citizens' tax money, made up of officials who may be friendly, personally, but whose whole concept of government is hostile to yours. What can you do? Protest to a local office? Telephone Washington nearly 3,000 miles away and talk to people who have little sympathy for your point of view? Try it sometime.

LEVELING UP

Finally, about opportunity. The American principle is that of leveling up, not leveling down. Socialism distributes a shortage and sets a tone for the whole economic system of passivity and indolence—while free enterprise breaks through the shortage by finding more ways to produce, and thereby enlarges prosperity for everyone. Free enterprise is the principle of letting the man with initiative and know-how, who has the talent for building a giant enterprise, go ahead and do it. If you force him to stay small, you stifle just those leaders and that incentive which together will push out the frontiers for the many, and lift the level of prosperity for the whole.

These, briefly, are the two sides of the case.

At this point, having been caught in the crossfire of the argument, the reporter is a little dizzy. Doubtless so is the reader, too. For this is only the beginning. There are scores of detailed issues, each with its pros and cons running off the main streams like babbling brooks. Anyone who is familiar with the valley will know how painfully inadequate these summaries are. The debate over public power, which was only touched here because it is better known across the country than the land and water problems, could fill volumes by itself.

Enough has been said, however, to show that any honest man must concede there are many cogent arguments on each side, and that men of good will can reasonably differ on how they add it all up.

A very few conclusions can be attempted in the hope that they will be met with tolerance.

Since this is a democratic country, a compromise is in the making. Clear-cut decision one way or the other seems unlikely. Neither side would be happy about compromise, but it may work out so that a minimum of damage would be done to the legitimate interests of each.

REALISTIC FACTOR

A realistic factor which makes for compromise is the ironic fact that big farms will in the end benefit by Bureau of Reclamation water, even if the 160-acre limitation continues. Wherever the Bureau water enters the ground, it will ultimately sink into that underground pool from which many big farms pump their supply. Despite the law, therefore, it is not within the power of the Bureau to see bigness eliminated.

A political factor making for compromise is that both sides have stated their cases and plied their politics determinedly and well. Already national sentiment has shifted more than once, and each side has had days of favor in Washington. Much will depend on the course of future national elections. In general the Democratic Party has been the sponsor and most eager friend of the Bureau in recent years. If it stays in power, the 160-acre limitation would probably not be modified. If the Republicans win, they will tend to put more restriction on the Bureau and less on the large landowner in the valley.

FACT BEYOND CONTROVERSY

Finally, and at this point the glint of a crusade can safely come back into the reader's eye, there is the fact beyond controversy.

This is an epic achievement, this unification of the resources of a great valley. It has meaning for a sick world. In spite of dispute, the job was done and the water is here, and somehow it will get distributed and the water table will begin to be rescued and the rich fields will continue to flourish, and then more parts of the project—dams and power plants and canals—will be opened up. Already the State of California is embarking on the huge Feather River project which is next in line.

If wars begin in the hunger and poverty of the world, as well as in men's minds, then by projects like this the peace can partly be won. The resources are available in the world. One key to the next half century will be the development of them.

ONE HUNDRED AND SIXTY-FIRST BIRTHDAY OF UNITED STATES COAST GUARD

Mr. SEELY-BROWN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SEELY-BROWN. Mr. Speaker, the United States Coast Guard will observe its one hundred and sixty-first birthday on August 4, 1951, and as it is possible that the House will not be in session upon that day, I would like to put into the RECORD some appropriate comments upon this important anniversary.

The service of the United States Government which we now recognize as the Coast Guard was founded by Alexander Hamilton in 1790 when he was the first Secretary of the Treasury of this country.

Although the Coast Guard is perhaps the least publicized of all of the military or the semimilitary services of the Government, it functions efficiently although anonymously day and night, not only along all of the coasts of our country and in the off-shore waters under the jurisdiction of the United States of America, but also upon many of our inland waterways, particularly the Great Lakes.

In addition to its regularly prescribed duties, the Coast Guard performs services of great value, such as the iceberg patrol, for example.

The motto of the Coast Guard, semper paratus, means always prepared, and the officers and men of this great service are living up to the responsibilities of that motto every hour of every day. The saving of lives by land, by sea, and by air is a routine performance of the Coast Guard, and the number of valiant rescues at sea is so great as to be difficult even to enumerate.

In World War II, as an officer of the Navy, I had the opportunity to observe at close range the operations of the Coast Guard, the members of which were performing a duty which strengthened immeasurably the effectiveness of the American fighting team, not only in the Pacific, but in all the oceans.

The Coast Guard is charged with important enforcement duties. It also maintains and operates the lighthouses along our coasts and protects the lives and safety of the public by its inspection of all kinds of civilian craft.

In my district of Connecticut, the Coast Guard has a particularly warm place in our affections, not only because of the base at New London from which many of its operations in Atlantic waters proceed, but particularly because of the United States Coast Guard Academy at New London. This institution, the junior of the service academies, trains the officers of the Coast Guard and, notwithstanding the criticism which has been heard here from certain quarters, its standards are high and are so recognized by all of the colleges and technical schools of this country. No young man graduates from the United States Coast Guard Academy unless he is fully equipped physically, mentally, and morally to fulfill the responsibilities of a commission in the Coast Guard and the responsibilities of leadership among citizens of our country.

The people of the United States of America living today and the generations still to come owe a debt of gratitude in many particulars to Alexander Hamilton, and not the least of these is for his founding of the service which we know today as the Coast Guard.

As citizens all of us would do well to adopt as our own motto the words so well characterized by the daily lives and actions of our men in the Coast Guard: Semper paratus.

OUR DOLLAR DIPLOMACY NO PANACEA FOR WORLD ILLS

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MASON. Mr. Speaker, the annual Reports of the Secretary of the Treasury for the last 10 years—1941–51—show that the State Department has spent $2,458,657,115. This amount covers its own operating costs plus the foreign aid it has been directly responsible for. The yearly amounts spent varied from $25,121,083 in 1941 to $305,375,133 in 1951. The State Department has been given public funds and wide authority never contemplated by the framers of the Constitution.

During these 10 years our Nation has had to face one emergency after another, notwithstanding the fact that we have poured out in foreign aid some $117,000,000,000 in grants, loans, credits, and so forth. Yet we now have a greater number of potential foreign enemies than we had in 1939—an indication that dollar diplomacy as practiced by the State Department for the past 10 years is no panacea for the world's ills, whether they be economic ills or social ills.

The State Department under Acheson—with his flock of internationalists, one-worlders, uplifters, and do-gooders—has had for its objective the following:

First. To raise the standards of living of the rest of the world to those of the United States. This we know cannot be done without lowering our standard of living.

Second. To take the United States into foreign alliances of all kinds in spite of George Washington's warning against foreign entanglements.

Third. To sacrifice and surrender the sovereign, inherent, and unalienable powers of this Republic to the domination and control of foreign nations and foreign-controlled international bodies functioning under the so-called United Nations.

Fourth. To establish a welfare state on a world-wide basis.

Mr. Speaker, on February 12, 1942, an Advisory Committee on Postwar Foreign Policy was set up in the State Department. That Committee issued State Department Bulletin 3580, a 726-page cloth-bound book, released in February 1950, entitled "Postwar Foreign Policy Preparation." Page 79 contains the following significant statement:

> The Committee agreed that its work should be approached from the general standpoint of the kind of world that the United States desired after the war. It also took the position that the President, in view of his executive responsibilities, would need to have recommendations for action as well as information on all problems on which a national position would have to be taken or an attitude expressed.

The membership of the committee included Henry A. Wallace, Paul H. Appleby, Alger Hiss, Philip C. Jessup, Nelson A. Rockefeller, Harry D. White, David Niles, LeLand Olds, Harry Hopkins, Julian H. Wadleigh, Harold L. Ickes, Dean G. Acheson, and many others. With such a committee is it any wonder that our foreign policy has been all wrong? Could you expect a foreign policy tailored by such a group—the majority of whom have since been discredited—to produce any better results than we have had during the past 10 years?

HON. ED GOSSETT

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, I am very anxious to join with my esteemed colleagues in the House in paying tribute to my valued friend, Congressman Ed Gossett. We all deeply regret his departure from this great legislative body. During his 14 years of faithful service to his constituents and the Nation in the Congress he has made an outstanding and brilliant record, and he has made very many warm friends among us and in the National Capital.

I can well understand the reasons which prompted him to leave Congress and resume his professional life. The demands upon Members of Congress have never been greater than they are today. The scope and magnitude of our duties are constantly increasing. The gravity of the problems confronting us is continuously enlarging. The augmented work incumbent upon us puts increasing burden upon our energies and powers of endurance. Moreover, many in this body are required at the present time to serve at great personal and financial sacrifice. There are occasions when, in the light of developing family responsibilities, our Members cannot continue longer to be unresponsive to their obligations to their families and their dear ones. This fact makes Ed Gossett's decision to leave the public service all the more understandable.

To strike a personal chord, let me say that I personally entertain greatest esteem, respect, and admiration for my distinguished colleague from the great Southwest—from the great State of Texas—whose citizens he has so conspicuously represented in this body. I am very confident that these feelings are shared and felt by every Member of the House whose privilege it has been to know Ed Gossett. His people are losing an able and distinguished Representative, the House is losing a most valuable Member. We are all losing the presence of a good friend, but we hope he will return to see us often.

He is possessed of such strong, rugged character and such outstanding ability that he would be a marked success in any field he chose to enter. I am sure that in his new association he will make the same fine impression and splendid record which have distinguished his service here.

I hope that he will enjoy his work, that he will be able, notwithstanding his departure from public life, to make many contributions to the welfare of the Nation, and that he and his family will be blessed with good health, success, prosperity, and happiness in the years to come.

CONSERVATORS OF ASSETS OF CERTAIN PERSONS OF ADVANCED AGE

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 11) to provide for the appointment of conservators to conserve the assets of persons of advanced age, mental weakness not amounting to unsoundness of mind, or physical incapacity, insist on the House amendment and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. HARRIS, ABERNETHY, and O'HARA.

The SPEAKER. Under the previous order of the House, the gentleman from Oregon [Mr. ANGELL] is recognized for 30 minutes.

AMERICA'S AGED CITIZENS IN DIRE NEED BYPASSED WHILE BILLIONS OF AMERICAN TAX DOLLARS ARE BEING BROADCAST AROUND THE WORLD

Mr. ANGELL. Mr. Speaker, thousands of elderly American citizens are in dire need of the necessities of life. With the virus of inflation gnawing at our vitals, the 50-cent dollar and the meager income of the elderly citizens of America, many of them are wasting away and dying of malnutrition.

Regardless of the appeals of many of us who down through the years have been urging the passage of legislation providing for the essential needs of this forgotten group of our citizens, nothing substantial is done for their relief.

On February 16, 1951, I introduced House bill 2678 which provides for a Federal old-age security program which would give adequate consideration to every worthy citizen who, by reason of age or disability, is in need. Unfortunately this bill is pigeonholed in committee. I filed discharge petition No. 4 which is on the desk of the Speaker and there are now 120 signatures on this petition of the 218 needed. I most sincerely urge every Member in the House who is interested in the welfare of these elderly citizens of our country to sign this petition at once and thereby bring this bill on the floor for consideration.

While we are permitting these old folks of America to starve in a land of plenty, we are spending untold billions around the world for any and every project that can be promoted by an active imagination. Do you realize how much we have spent of the American taxpayers' dollars overseas in the last 10 years? Foreign spending has reached to gigantic proportions and has added materially to the inflation which is robbing the low-income groups of America of the ability to buy even the necessities of life. President Truman has asked for a new appropriation now of $8,500,000,000 to be

used for military and economic aid to foreign countries. Secretary Acheson has recommended $25,000,000,000 for foreign spending in the next 3 years. The President plans an over-all expenditure for the fiscal year of over $71,000,000,000. If this appropriation is granted it would mean the total authorized gifts, loans, and credits in the last 10 years for foreign aid would aggregate $124,000,000,000.

Between January of 1940 and January of 1951, Congress voted nearly 103 billions for foreign aid, more than twelve billions in loans, and approximately one and one-half billions in international credits. The total, exclusive of President Truman's latest request, is almost one hundred fifteen and one-half billions, not all of which has been expended to date. It should be noted that figures quoted do not include the billions now being spent by our country for the defense of other countries nor the multi-billion-dollar cost of winning World War II. Granting the President's latest request for eight and one-half billions would bring the 10-year total of sums loaned or given away to the rest of the world to nearly $124,000,000,000 in addition to our war and defense costs. This staggering sum represents about half of our national debt which now amounts to approximately two hundred and fifty-six billions. Our 10-year outlay to foreign countries, if President Truman's request for eight and one-half additional billions is granted, will equal about one-fifth of the entire physical assets of the United States.

It is true in the last Congress we amended the existing social-security law so as to provide some additional payments to certain groups of insured workers, and broadened its coverage to take in many occupations not heretofore covered. However, we gave no relief to the hundreds of thousands of elderly American citizens who are not qualified to take as insured workers.

The existing social-security program is unsound in its fundamental provisions. Under it we have collected billions of dollars from the workers and their employers and the money has been immediately spent by spendthrift bureaucrats for almost everything under the sun except taking care of the elderly people. As a result when the time comes that these trust funds are needed, additional taxes will have to be levied to take care of the annuities owed to the workers. The President's fact-finding board recently reported that the Government has failed to provide social insurance for industrial workers generally and has supplied old-age retirement benefits in amounts which are not adequate to provide an American minimum standard of living.

It is of interest in consideration of the problem of old-age security to review the effect of the 1950 amendments under the Social Security Act and the entire problem of Social Security as it now confronts us. Under the Social Security Act as amended, protection against the economic hazards of old-age is afforded by the programs of old-age assistance and old-age and survivors insurance. The Federal Government participates in the former program through grants-in-aid to the States for needy individuals. No major change was made by the 1950 amendments with respect to this program. The Federal matching formula adopted by the Congress in 1948 is currently in effect. Under this formula the Federal share is three-fourths of the first $12 of a State's average monthly old-age assistance payment per recipient plus one-half of the remainder within individual maximums of $50. In other words, the Federal Government provides a maximum of $30 of the payment to a recipient, if a State provides $20 or more.

The old-age and survivors insurance program was greatly revised by the 1950 amendments. Coverage was extended to nearly 10,000,000 jobs, eligibility requirements were liberalized, and benefit amounts were increased. I will discuss these major revisions briefly.

EXTENSION OF OASI COVERAGE

Prior to the enactment of the 1950 amendments, about 35,000,000 jobs were covered by old-age and survivors insurance. The amendments extended the system to nearly 45,000,000 jobs. The principal group brought under coverage January 1, 1951, was the self-employed—other than farmers, ministers, physicians, lawyers, dentists, osteopaths, veterinarians, chiropractors, optometrists, Christian Science practitioners, architects, naturopaths, funeral directors, professional engineers, and certified, registered, licensed, or full-time practicing public accountants.

Other groups afforded the protection of the system, beginning January 1, 1951, are regularly employed domestic workers, regularly employed agricultural workers, employees of nonprofit organizations, State and local government employees other than those covered by a retirement system, certain Federal employees not covered by another retirement system established by Federal law, certain life insurance and wholesale salesmen, certain agent drivers and commission drivers, and certain industrial workers. Employment and self-employment in Puerto Rico and the Virgin Islands are covered by the 1950 amendments. Also, employment performed outside the 48 States, the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands by American citizens for American employers is now covered employment as well as employment on certain American aircraft regardless of the citizenship of the employee rendering the service.

ELIGIBILITY REQUIREMENTS

The 1950 amendments made extensive revisions in the requirements for eligibility for old-age and survivors insurance benefit payments. An old-age insurance benefit is now payable at age 65 if the worker is fully insured and does not earn in excess of $50 per month in covered employment. At age 75 such individual may earn any amount in covered employment and still receive benefit payments. Formerly, earnings of $15 or more a month in covered employment disqualified an individual from receiving benefits for that month.

By providing a new start in eligibility requirements, the 1950 amendments have made it much easier for an older individual to qualify for benefits. This new start modifies the definition of the required fully insured status for old-age insurance benefits. Prior to the 1950 amendments, an individual to be fully insured, so as to be eligible for old-age benefits, had to have either (a) calendar quarters of coverage at least equal to one-half the number of calendar quarters elapsing since 1936 and before attainment of age 65, or (b) 40 calendar quarters of coverage. Under the 1950 amendments, to have a fully insured status an individual is required to have quarters of coverage for only one-half the number of calendar quarters elapsing since 1950—with a minimum of 6 quarters of coverage required—but such calendar quarters of coverage may include those earned prior to 1951 and also those earned after attainment of age 65. A quarter of coverage is acquired if an individual has at least $50 in taxable wages in the January-March, April-June, July-September, or October-December period; for the self-employed, income of $400 in a year is required for four quarters of coverage.

The sharp reduction in the number of quarters of coverage required for fully insured status for older workers under the 1950 amendments as compared with the former law is indicated in the following table:

Age in first half of 1951	Number of quarters required under 1950 amendments	Number of quarters required under former law
75	6	8
70	6	18
65	6	28
62	6	34
61	8	36
60	10	38
59	12	40
58	14	40
57	16	40
56	18	40
55	20	40
50	30	40
45 or under	40	40

BENEFIT PAYMENTS

Under the 1950 amendments benefit payments for beneficiaries on the rolls in September 1950 were increased about 77 percent on the average by means of a conversion table. Examples of the increase in individual amounts are shown in the following table:

If primary insurance benefit under old law was—	The primary insurance amount under new law is—
$10	$20.00
15	30.00
20	37.00
25	46.50
30	54.00
35	59.20
40	64.00
45 or over	68.50

Individuals who meet the eligibility requirements and who retire after August 1950 without six quarters of coverage earned after 1950 also have their benefit payments increased in accordance with the above table. Individuals retiring in the future with six quarters of coverage

obtained after 1950 may use the "new start" average-wage method for determining their benefit amounts if such method provides a higher benefit amount than by use of the aforementioned conversion table. For such individuals the wages earned prior to 1951 are disregarded, and the average wage for benefit purposes is computed for the period elapsing after 1950. The benefit amount is computed under the following formula: 50 percent of the first $100 of the average monthly wage, plus 15 percent of the next $200. Thus, if an individual's average wage after 1950 is $300, the monthly old-age insurance amount is $80, if the average wage is $200, the benefit amount is $65, and so forth. Individuals retiring in the next few years and using the "new start" average-wage method will have their benefit payments about doubled on the average as compared to what they would have received under the old law.

It should be noted that an amount equal to one-half the old-age insurance benefit payable to the retired worker is also provided for his wife at age 65. Thus, if the worker is entitled to the $80 maximum benefit per month, under the new-start method, his wife will receive $40, or a total payment to both of $120. Similarly, one-half the old-age insurance amount payable to a retired worker under the conversion table method outlined above is provided his wife at age 65.

It is too early to evaluate the full effect of the higher benefit level of the 1950 amendments. The new-start average wage method for computing benefits, which requires 6 quarters of coverage obtained after 1950, is not presently reflected in payments to beneficiaries. Moreover, beneficiaries now on the rolls who did not meet the eligibility requirements under the old law—see table above—are entitled to small benefit payments only, because they have been in covered employment for relatively short periods of time. However, the following table does indicate to some extent the change in benefit payments to retired workers, to their wives, and to aged widows and parents of deceased workers between August 1950—when the provisions of the old law were in effect—and January 1951. This table also reflects the rise in the number of beneficiaries under the liberalized eligibility requirements of the 1950 amendments.

OASI benefit payments to retired workers and other aged beneficiaries, August 1950 and January 1951 [1]

TOTAL

	Number	Amount (thousands)
August 1950	2,143,450	$49,452
January 1951	2,716,743	105,271
Net increase	573,293	55,819

[1] This table does not include payments to all OASI beneficiaries—excluded are benefit payments to children and also, except as noted in footnote 2, benefit payments to mothers with child beneficiaries in their care. Payments were made to 2,967,055 beneficiaries of all ages for August 1950 and the amount of payments totaled $61,640,651, as compared to 3,605,235 beneficiaries and total payments of $130,882,816 for January 1951.

OASI benefit payments to retired workers and other aged beneficiaries, August 1950 and January 1951—Continued

RETIRED WORKERS

	Number	Amount (thousands)	Average
August 1950	1,405,592	$37,052	$26.33
January 1951	1,850,207	80,584	43.55
Net increase	444,615	43,532	17.22

WIVES [2]

August 1950	425,604	$5,950	$13.98
January 1951	532,187	12,477	23.45
Net increase	106,583	6,527	9.47

WIDOWS [3]

August 1950	297,999	$6,252	$20.98
January 1951	319,472	11,664	36.51
Net increase	21,473	5,412	15.53

PARENTS

August 1950	14,255	$198	$13.86
January 1951	14,877	546	36.67
Net increase	622	348	22.81

[2] The January 1951 figures include some wives under age 65 who have entitled children in their care, estimated at less than 10,000; the January 1951 figures also include a very small number of dependent husbands of retired women workers for whom payments were authorized for the first time by the 1950 amendments.

[3] The January 1951 figures include a very small number of dependent widowers of deceased women workers for whom payments were authorized for the first time by the 1950 amendments.

Source: Preliminary data of the Old-Age and Survivors Insurance Bureau, Social Security Administration.

ADDITIONAL AMENDMENTS

What additional amendments are needed to improve the protection afforded by the old-age and survivors insurance system against want in old age, would, of course, depend upon the objective of the sponsors of the amendments. There are those who believe the 1950 amendments went too far. On the other hand, those advocating universal coverage point out that less than 45,000,000 jobs are covered by the system today, and that any system falling short of providing universal coverage is inequitable to those individuals excluded from the system.

It is assumed that the objective is to have the coverage of the system broadened to the fullest extent practicable, as has been recommended by the Advisory Council on Social Security of the Senate Committee on Finance of the Eightieth Congress. The Council said:

> The basic protection afforded by the contributory social insurance system under the Social Security Act should be available to all who are dependent on income from work. The character of one's occupation should not force one to rely for basic protection on public assistance rather than insurance. (Old-age and survivors insurance, S. Doc. No. 149, 80th Cong., 2d sess., p. 6.)

FURTHER EXTENSION OF COVERAGE

Farmers make up the largest group still excluded from the old-age and survivors insurance program. Administrative difficulties in covering farm operators no longer appear to be a barrier, as the 1950 amendments provide for coverage of most urban self-employed who will report their net earnings and pay a social-security tax for the first time when filing their income-tax return for 1951. Coverage of farmers could be accomplished by the same method without requiring any more record-keeping than is now necessary for income-tax purposes.

The self-employed professional group now excluded from coverage could be brought under the system in the same manner as other self-employed individuals. These professional groups were excluded under the 1950 amendments, on the request of the representatives of the excluded groups. The principal argument in favor of exclusion from the system was that members of professions generally do not retire as early as do wage earners, but often continue to practice their profession up until a very advanced age. In favor of coverage it can be argued, however, that the old-age and survivors insurance system affords protection to survivors upon the death of the covered individual and that the possibility of involuntary retirement because of disablement makes the protection of the system desirable for professional groups.

Regularly employed domestic workers are covered by the 1950 amendments. "Regularly employed" is defined as employment by a single employer for at least 24 days in a calendar quarter with cash wages of $50 for services in the quarter. Thus, workers who are employed by a number of employers for 1 day each week are excluded from coverage. Such workers need the protection of the system as much, if not more, than those who are regularly employed by a single employer for 24 days in a calendar quarter. As experience is gained from the coverage of the regularly employed domestic workers—the first tax returns for this group are due in April 1951—it may be feasible to extend the system with respect to domestic service.

Regularly employed workers on farms are covered by the 1950 amendments. A farm worker is regularly employed if he has continuous service for one employer for a calendar quarter and then works for the same employer on a full-time basis for at least 60 days and earns cash wages of at least $50 in the next succeeding calendar quarter.

It is obvious that under this definition the coverage of farm workers is limited to those employed by a single farmer over a substantial period of time. To come under the system, a farm laborer must be employed by the same employer for at least 5 months out of a 6-month period. Thus, many farm workers will never be able to obtain the necessary insured status for old-age insurance benefits and will have to depend upon public assistance in their old age if they are in need. A broadening of coverage for workers on farms would decrease the Federal and State costs of old-age assistance in the agricultural States and enable more agricultural workers to assist in financing the cost of their old-age security by making contributions during their working lifetime.

State and local government employees not under a retirement system are afforded coverage by the 1950 amendments at the option of the State. H. R. 6000 as passed by the House of Representatives would have permitted old-age and survivors insurance coverage of State and local employees even though they were under a retirement system, providing the employees and beneficiaries under the State or local system elected coverage by a two-thirds majority of those participating in a written referendum. This provision was deleted from the bill by the Senate Committee on Finance. The exclusion from old-age and survivors insurance of all State and local employees who are under a retirement system means that individuals employed by a State or local unit of government for insufficient period of time to obtain retirement benefits are denied an opportunity to build up credits under the basic Federal system during the period of governmental employment, and thus they may be ineligible for any benefits in their old age. Further consideration of the principle, as contained in H. R. 6000 as passed by the House of Representatives of permitting duplicate coverage of State and local employees may be desirable. Moreover, similar duplicate coverage for Federal employees—under civil-service retirement and old-age and survivors insurance—may be desirable. A study to determine the best method of providing such duplicate coverage was advocated by the Advisory Council on Social Security to the Senate Committee on Finance of the Eightieth Congress—United States Congress, Senate, Old-Age and Survivors Insurance, a report to the Senate Committee on Finance from the Advisory Council on Social Security, Eightieth Congress, second session, Senate Document No. 149, page 20.

The 1950 amendments provided wage credits of $160 for each month of service in the Armed Forces during the period September 16, 1940, to July 24, 1947, inclusive. These wage credits are used for determining whether a veteran has the required insured status for him, his dependents, or his survivors to be entitled to benefit payments. Moreover, the credits are used in computing the amount of benefit payments as if the veteran's military or naval service had been covered employment for which he received wages of $160 per month. No credits are provided, however, for members of the Armed Forces engaged in the Korean conflict. To provide equal treatment for these members of the Armed Forces as was provided for those serving in World War II, the Social Security Act needs to be amended. Unless this is done, the rights acquired from civilian employment covered by old-age and survivors insurance may be lost entirely or the amount of benefits payable in old age or upon death may be decreased because an individual has served in the Armed Forces. The act could be amended to provide automatic wage credits for service rendered after a stated date as was provided by the 1950 amendments for World War II veterans, or else all service in the Armed Forces could be brought under old-age and survivors insurance on a permanent basis. Under the latter method service in the Armed Forces could become the same as civilian employment for old-age and survivors insurance purposes, with contributions to the system being deducted from individual member's service pay as if he had remained in covered civilian employment. The Federal Government would in turn pay the employer's share. This latter method was recommended by the advisory council on social security to the Senate Committee on Finance—ibidem, pages 24–25.

FURTHER INCREASE IN BENEFITS

The increase in benefit payments of about 77 percent on the average for beneficiaries on the old-age and survivors insurance rolls in September 1950 appeared more adequate at the time the 1950 amendments were enacted into law—August 1950—than under present conditions. As the cost of living rises, it becomes more apparent that a revision upward in the benefit level is necessary if the beneficiaries are to be enabled to maintain the standard of living intended by the Congress when the 1950 amendments were being considered. However, the establishment of a higher benefit level, without also extending the system to cover all jobs and to provide for the aged already retired who do not meet the eligibility requirement for old-age benefits, would result in greater inequalities for those excluded from participation in the system.

What exclusion from coverage of the job in which an older worker is employed may mean under present law is indicated in the following example. Assume an individual was 63½ years of age or older prior to January 1951 and he works in a covered job throughout 1951 and the first 6 months of 1952 with earnings of $300 or more per month. He will be eligible upon retirement to a monthly benefit of $80 for himself. Moreover, his wife, if aged 65, will be entitled to $40 per month. Yet the employee's share of the social-security tax under these circumstances would amount to only $81. The employer's share of the tax would be the same or a total employee-employer contribution of $162. Thus more than the total amount paid by the employee and his employer would be paid out in benefits to the worker and his wife in the first 3 months that they were on the rolls. For the older worker who has not been in covered employment, only public assistance is available upon his retirement, if he can meet the need test of the State of his residence.

OLD-AGE PENSIONS FOR ALL GROUPS AT AGE 60

Proposals have been made to eliminate the Federal Government's responsibility for grants-in-aid to the States for old-age assistance and to establish a Federal system of payments for all aged in the Nation regardless of need. These proposals sometimes take the form of extending the old-age and survivors insurance program to all those who are dependent upon income from work, or in other words, universal coverage. It has also been suggested that coupled with universal coverage for the working population, provision should be made for the payment of benefits to the aged who have retired from work without meeting the present eligibility requirements. Also, proposals have been made to abolish the State-Federal old-age assistance program and the old-age and survivors insurance program and to substitute therefor a new Federal system for old-age security. This plan is the sound one and is the one embodied in my bill, House bill 2678, the Townsend plan.

The sponsors of these various methods of meeting the economic hazards of old age, however, do agree that old-age assistance with its needs test that varies from State to State is not a satisfactory way to provide income to a large segment of the aged population of the Nation. In January 1951 more than 2,750,000 individuals received old-age assistance at a cost of more than $120,000,000 to the Federal, State and local governments. The costs of the program have increased each year since it first began to operate in 1936. In 1940 total expenditures were less than $500,000,000, as compared to more than $1,500,000,000 in the fiscal year ending in June 1950.

In addition to the rising costs of the program, the proponents of substitute proposals cite the sharp variation from State to State in payments to individuals as well as the difference in the number of people aided in proportion to population aged 65 or over. In January 1951 the average payment for the United States was $43.40, with the high average payment being $81.23, in Colorado, and the low, $18.42, in Mississippi. Moreover, in 1950 the number of aged individuals on the rolls in proportion to the estimated population aged 65 and over the State varied from more than 80 per 100 to less than 10 per 100. Thus, the adequacy of old-age assistance often depends upon where a needy aged person happens to reside, rather than on the extent of his need for aid.

Under a plan to pay benefits to all groups at age 60, equitable treatment for all aged individuals could be provided. This, of course, could be provided, also, if the age requirement were retained at age 65. Moreover, by the extension of old-age and survivors insurance coverage to all jobs and providing benefits for the retired workers now ineligible for benefits or by inaugurating a substitute plan for old-age and survivors insurance and old-age assistance, the inequitable position of those not now included under old-age and survivors insurance could be corrected.

In support of a lower age requirement than the present 65 years, the United Mine Workers' plan of paying benefits at age 60 is often cited, as is the civil-service retirement system which affords full benefits at age 62.

Cited in opposition to the proposal are the increased costs that would be entailed. For example, under the present limited coverage of old-age and survivors insurance, the estimated cost of an age requirement of 60 years is estimated at 2 percent of payroll on a level premium basis. Translated into terms of dollars, this would be equivalent to about $2,500,000,000 per year on an average basis—somewhat less than this in the

early years of operation and somewhat more in the later years. It might be mentioned that the cost of the present law on a level premium basis is about 6 percent of payroll, or about $7,500,000,000 per year on an average basis—actually, only about $2,000,000,000 per year at the present time, and as much as $11,000,000,000 per year eventually.

As to a proposal for a universal flat benefit payment of $50 per month for all persons aged 60 and over, the total cost would range from about $11,000,000,000 at the present time to about $19,000,000,000 ultimately—in 50 years—with an average cost of about $17,000,000,000 per year. However, if this benefit were payable only to those who were not working, the cost would be reduced to about $2,000,000,000 at present, ranging up to $16,000,000,000 per year eventually, and averaging about $14,000,000,000 per year—estimated costs prepared by Robert J. Myers, Chief Actuary, Social Security Administration, who was assigned as Actuary to the House Committee on Ways and Means and the Senate Committee on Finance when H. R. 6000 was being considered by the Eighty-first Congress.

The following table is of interest in a study of social security as now administered:

Old-age assistance: Recipients and payments to recipients, by State, January 1951 [1]

[Exclusive of vendor payments for medical care and cases receiving only such payments]

State	Number of recipients	Payments to recipients: Total amount	Payments to recipients: Average	Percentage change from December 1950 in—: Number	Percentage change from December 1950 in—: Amount	Percentage change from January 1950 in—: Number	Percentage change from January 1950 in—: Amount
Total [2]	2,766,866	$120,084,486	$43.40	−0.1	+0.1	+0.6	−2.2
Alabama	81,530	1,669,518	20.48	−.1	−.1	+4.9	+4.3
Alaska	1,602	85,116	53.13	−.1	−6.9	+2.8	−7.1
Arizona	14,546	758,676	52.16	+.5	+.2	+14.6	+12.9
Arkansas	68,967	1,785,316	25.89	(3)	−.1	+12.2	+15.2
California	272,576	18,468,728	67.76	+1.6	+2.5	−.9	−5.1
Colorado [2]	51,765	4,205,033	81.23	+.3	+5.1	+4.2	+14.6
Connecticut	19,906	1,198,266	60.20	+.1	+1.8	+6.3	+9.1
Delaware	1,601	46,085	28.79	−.8	−1.0	−1.7	−.9
District of Columbia	2,836	126,511	44.61	+.7	+16.6	+1.6	+6.5
Florida	69,381	2,711,376	39.08	−.1	−.4	+2.9	−.5
Georgia	102,073	2,432,460	23.83	−.3	−.2	+4.7	+8.8
Hawaii	2,316	77,007	33.25	−.6	−.9	−2.5	+.5
Idaho	11,453	535,112	46.72	+.1	−.2	+1.4	+.7
Illinois	119,281	5,210,955	43.69	−.5	−.8	−7.6	−8.9
Indiana	50,917	1,809,153	35.53	−.5	−1.2	−1.1	−2.0
Iowa	49,221	2,424,482	49.26	−.2	−.1	(3)	+.6
Kansas	39,159	1,918,582	48.99	−.4	−.7	+1.5	−1.2
Kentucky	67,440	1,376,781	20.41	−.5	−.7	+10.7	+6.8
Louisiana	118,208	5,512,608	46.63	−.5	−.6	−2.5	−3.7
Maine	15,301	655,679	42.85	−.1	(3)	+4.7	+3.5
Maryland	11,793	435,952	36.97	−.3	+.1	−1.3	−1.6
Massachusetts	102,084	6,272,896	61.45	+.1	−.7	+3.2	−3.5
Michigan	97,722	4,472,642	45.77	−.5	−.5	−1.5	−3.5
Minnesota	55,480	2,620,849	47.24	−.4	−1.0	−.8	−4.6
Mississippi	61,534	1,133,397	18.42	−1.3	−5.8	−.6	−3.6
Missouri	132,521	$5,731,969	$43.25	−.1	−.1	+2.6	+2.6
Montana	11,777	624,369	53.02	−.1	+3.7	+1.6	+2.8
Nebraska	23,128	1,002,008	43.32	−.6	−.8	−3.3	−4.1
Nevada	2,736	142,196	51.97	−.2	−.5	+6.6	+2.6
New Hampshire	7,445	342,727	46.03	−.2	−.1	+2.0	+6.8
New Jersey	23,925	1,144,101	47.82	−.7	−.7	−1.3	−3.5
New Mexico	10,410	392,228	37.68	+1.3	+1.2	+3.5	+8.7
New York	117,223	6,368,507	54.33	−.2	+1.7	−2.3	−2.6
North Carolina	61,602	1,367,864	22.20	+.1	+.2	+5.6	+7.9
North Dakota	9,093	452,627	49.78	+.2	+.7	+1.9	+7.4
Ohio	122,372	5,475,386	44.74	−1.1	−3.5	−3.7	−7.7
Oklahoma	99,577	4,499,468	45.19	−.3	−.4	−1.6	−14.6
Oregon	23,621	1,226,423	51.92	−.5	−.6	+1.1	−.6
Pennsylvania	84,033	3,234,350	38.49	−.6	−1.4	−9.7	−12.8
Rhode Island	10,057	450,538	44.80	−.4	−.7	−1.4	−4.2
South Carolina	42,288	1,049,178	24.81	+.3	+.5	+5.7	+13.6
South Dakota	12,225	481,126	39.36	(3)	(3)	+.5	+1.5
Tennessee	66,345	1,994,725	30.07	−.4	−1.0	+6.5	+3.2
Texas	224,436	7,352,423	32.76	+.4	+.2	+1.9	−2.1
Utah	9,923	453,020	45.65	−.4	+1.9	−2.0	−1.1
Vermont	6,967	249,720	35.84	+.4	+.8	+3.0	+5.4
Virginia	19,743	427,251	21.64	−.4	−.1	+3.8	+6.1
Washington	73,100	4,501,732	61.58	−.6	−1.6	+1.3	−3.2
West Virginia	26,807	710,157	26.49	−.6	−1.0	+2.6	−.2
Wisconsin	52,475	2,220,654	42.32	−.2	−.5	+.9	−.1
Wyoming	4,345	246,559	56.75	−.1	−.5	+2.8	+5.9
Puerto Rico [4]	16,387	122,902	7.50	−.4	−.4	-------	-------
Virgin Islands [4]	600	6,459	10.76	+1.7	+1.4	-------	-------

[1] For definition of terms see the Bulletin, January 1951, p. 21. All data subject to revision.
[2] Includes 4,047 recipients under 65 years of age in Colorado and payments to these recipients. Such payments are made without Federal participation. Excludes Puerto Rico and the Virgin Islands, for which January data are not available.
[3] Decrease of less than 0.05 percent.
[4] Represents data for December 1950.

Mr. Speaker, as shown from this report on the social-security program now in force together with the amendments adopted by the Congress in 1950 we have failed to solve the problem of social security for the aged of America and particularly those who do not come under the program of insured workers. It follows that a program as sponsored by the Townsend organization and embodied in my bill, H. R. 2678, is more equitable and in the long run would involve less expense and would bring within its protection all of the elderly citizens of the United States 60 years of age and over who are in need.

The objective of this legislation is to provide every adult citizen in the United States with equal basic Federal insurance, to permit retirement with benefits at the age of 60, and to cover total disability from whatever cause for certain citizens under 60; to give protection to widows with children; to provide an ever-expanding market for goods and services through the payment and distribution of such benefits in ratio to the Nation's steadily increasing ability to produce with the cost of such benefits to be carried by every citizen in proportion to the income privileges he enjoys.

Such a program would obviate the haphazard provisions of the existing social-security law which gives protection and coverage to selected groups of aged citizens but leaves millions of other aged equally in need completely out of protection. On the other hand the existing social security plan is financed by contributions which really are provided by all of the citizens since the cost of production must include all expenses, including those contributed by employers and employees for social security.

I trust that all Members of the House who are interested in dealing fairly with these aged citizens and giving equal protection to all, will sign discharge petition 4 and bring out for consideration this all-inclusive Federal social security program for the aged.

(Mr. ANGELL asked and was given permission to revise and extend his remarks and include certain tables and extraneous matter.)

PRESIDENT TRUMAN'S STATEMENT IN CONNECTION WITH THE SIGNING OF THE DEFENSE PRODUCTION ACT AMENDMENTS OF 1951

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include the statement made by the President yesterday in connection with the signing of the amendments to the Defense Production Act.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

(The statement referred to follows:)

I have reluctantly signed S. 1717, the Defense Production Act amendments of 1951, which was passed by the Congress yesterday.

Unless this measure had become law, the powers necessary for carrying out our defense program would have expired tonight.

This new act continues, with little change, the Government's authority to control production, channel materials, and aid business in the interest of national defense. To some extent, the new act strengthens these powers, particularly with respect to aids for small business.

The act also continues rent control and permits recontrol of rents in certain critical areas. The production and rent provisions of the act are thus relatively adequate, though they do not meet all our needs.

But the inflation control provisions of the act are gravely deficient. If these had been the only provisions of the act, I would have vetoed it. We will not be able to hold down rising prices with this act, and I am going to ask the Congress to amend it to give us adequate controls.

This act will do great harm to our price and wage controls. The full extent of the damage cannot be determined until the executive agencies have had sufficient time to study the legislation in detail. Many of the new provisions are complicated and vague and it has not been possible, in the brief time since Congress passed the law, to estimate fully all of its effects on present price ceilings and on the administration of price control.

HIGHER PRICES PREDICTED

But it is already clear that the principal effect of the new amendments will be to raise ceiling prices for the manufacturer, the wholesaler and the retailer. Moreover, the act prohibits further roll-backs in the price of beef, and makes effective roll-backs on other vital cost-of-living commodities practically impossible. In general, the act will roll price ceilings forward from their present levels, pushing them up to heights that we cannot yet foresee.

Furthermore, the act greatly increases and complicates the administrative difficulties of price control. As a result, even after prices have reached the new and higher levels which the law requires, we may not be able to keep them from going still higher. One of the worst provisions of the act, the Butler-Hope amendment, wipes out slaughter quotas on beef, thus encouraging the return of black markets.

Another provision of the act which will operate against the interest of the American people is the Capehart amendment. This complicated amendment will force price ceilings up on thousands of commodities, clear across the board. It is like a bulldozer, crashing aimlessly through existing pricing formulas, leaving havoc in its wake.

If we are to prevent the weakening of our economy, we must change these provisions and others just as bad. As soon as the executive agencies can complete their study. I intend to urge Congress to revise and strengthen this law, point by point, to give us the tools we need to fight inflation.

I understand that several Members of the Congress, recognizing the deficiencies of this act, have already introduced legislation to restore authority for slaughtering quotas. This is certainly a step in the right direction. But it is only one of the respects in which this law needs immediate improvement.

In future months, as our defense production takes a larger and larger share of our output, we have to expect that pressure on prices will increase. Only a tremendous drop in private investment or consumer spending could keep rising expenditures for defense from bringing on new pressures toward higher prices. And these pressures could be aggravated, at any time, by a change for the worse in the international situation.

WAGE ADJUSTMENTS NECESSARY

To the extent that this act permits prices and the cost of living to rise, it will be necessary to allow reasonable adjustments in wages. We cannot ask the working people of this country to reduce their standard of living just to pay for the higher profits this act provides for business. And then we would be caught in another price-wage spiral.

If we are to prevent a serious drop in the purchasing power of the dollar, we must have a good, strong price-control law to help us through the period ahead. Without that kind of law, we cannot protect ourselves from the frightful damage of renewed inflation.

S. 1717 is not that kind of law. It is a law that will push prices up. It is a law that will increase the costs of business and the cost of our defense program to the taxpayer. It is a law that threatens the stability of our economy in the future. Moreover, it prevents us from giving any further price relief to the millions of consumers already penalized by the price rises in the fall of 1950.

We should never forget that more than half the families in this country had no increases in income during 1950; some of them actually had their incomes reduced last year. To all these people, inflation is not a theoretical problem for the future, but a real problem and a terrible deprivation right now.

These families and all our other families need real protection against inflation. The Government will not be able to give them such protection unless and until the Congress repairs the damage done by this new act.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix to the RECORD, or to revise and extend remarks, was granted to:

Mr. CELLER (at the request of Mr. BRYSON) and to include an article from Time magazine entitled "The General" which is estimated by the Public Printer to cost $184.50.

Mr. RHODES and to include a magazine article.

Mr. ZABLOCKI in two instances and to include extraneous matter.

Mr. PICKETT (at the request of Mr. WILSON of Texas) and to include extraneous matter.

Mr. SHEPPARD and to include an article taken from Fortune magazine entitled "The Arrival of Henry Kaiser," which is estimated by the Public Printer to cost $272.

Mr. VELDE in two instances.

Mr. PHILLIPS.

Mr. JOHNSON (at the request of Mr. COLE of New York) in two instances.

Mr. BAKER and to include a newspaper article.

Mr. WILLIAMS of Mississippi to revise and extend the remarks he expects to make in the Committee of the Whole and include extraneous matter.

Mr. BAILEY to include the transcript of a radio address by O. R. Strackbein under the caption "Czechoslovak trade and Mr. Oatis."

Mr. BROOKS in two instances and to include extraneous matter.

Mr. HESELTON to revise and extend the remarks he expects to make in the Committee of the Whole during the consideration of the bill H. R. 3298 and include extraneous matter.

Mr. LANE in three instances and to include extraneous matter.

Mr. BAKEWELL (at the request of Mr. MARTIN of Massachusetts).

Mr. BUDGE (at the request of Mr. MARTIN of Massachusetts).

Mr. LARCADE in four instances, in each to include extraneous matter.

Mr. SMITH of Wisconsin.

Mr. JUDD in three instances, in each to include extraneous matter.

Mr. KEATING in three instances, in each to include extraneous matter.

Mr. BOYKIN and to include a statement by John R. Steelman.

Mr. O'HARA to revise and extend the remarks he made in the Committee today and include certain excerpts from telegrams.

Mr. MCCORMACK and to include a letter received from Alexander J. Chaplikas, president of the American Lithuanian Council, together with an accompanying resolution.

Mr. BENDER.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOLLINGER (at the request of Mr. HELLER), Tuesday through Friday, on account of illness.

Mr. GRANT (at the request of Mr. ANDREWS), from August 1 to August 10, on account of official business.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. STANLEY, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 629. An act to authorize the sale of certain allotted land on the Blackfeet Reservation, Mont.;

H. R. 4329. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1952, and for other purposes; and

H. J. Res. 303. Joint resolution to provide housing relief in the Missouri-Kansas-Oklahoma flood disaster emergency.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until tomorrow, Thursday, August 2, 1951, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

670. A letter from the Secretary of the Army, transmitting a report of claims paid pursuant to the Federal Tort Claims Act as amended (28 U. S. C.); to the Committee on the Judiciary.

671. A letter from the Assistant Secretary of Defense, transmitting a draft of proposed legislation entitled "A bill to authorize the use of the incompleted submarine *Ulua* as a target for explosive tests, and for other purposes; to the Committee on Armed Services.

672. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1952 in the amount of $2,431,000 for the Displaced Persons Commission (H. Doc. No. 215); to the Committee on Appropriations, and ordered to be printed.

673. A letter from the Administrator, Veterans' Administration, transmitting a draft of a proposed bill entitled "A bill to extend the authority of the Administrator of Veterans' Affairs to appoint and employ retired officers without affecting their retired status"; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Expenditures in the Executive Departments. Ninth Intermediate Report of the Committee on Expenditures in the Executive Departments, a report on the flood-stricken areas of Kansas and Missouri and the necessity for appropriate Federal action to prevent similar disasters (Rept. No. 779). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. House Joint Resolution 285. Joint resolution to authorize appropriate participation by the United States in commemoration of the one hundred and fiftieth anniversay of the establishment of the United States Military Academy; without amendment (Rept. No. 780). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Banking and Currency. H. R. 3176. A bill to amend the act entitled "An act to authorize the coinage of 50-cent pieces to commemorate the life and perpetuate the ideals and teachings of Booker T. Washington," approved August 7, 1946; without amendment (Rept. No. 782). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on Banking and Currency. Senate Joint Resolution 78. Joint resolution to make the restrictions of the Federal Reserve Act on holding office in a member bank inapplicable to M. S. Szymczak when he ceases to be a member of the Board of Governors of the Federal Reserve System; without amendment (Rept. No. 781). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RICHARDS:

H. R. 5020. A bill to promote the foreign policy and provide for the defense and general welfare of the United States by furnishing assistance to friendly nations in the interest of international security; to the Committee on Foreign Affairs.

By Mr. ALLEN of Louisiana:

H. R. 5021. A bill to authorize the Secretary of Agriculture to make certain requirements in the sale of national forest timber and for other purposes; to the Committee on Agriculture.

By Mr. BOLLING:

H. R. 5022. A bill to provide payment for property losses resulting from the 1951 floods in the States of Kansas, Missouri, and Oklahoma, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON:

H. R. 5023. A bill to prohibit the construction, operation, or maintenance of any project for the storage or delivery of water within or affecting any national park or monument; to the Committee on Interior and Insular Affairs.

By Mr. BOGGS of Delaware:

H. R. 5024. A bill to authorize the charging of tolls to cover the maintenance, repair, and operation of the Delaware Memorial Bridge and its approaches after the establishment of a sinking fund for amortization of the cost of such bridge and approaches; to the Committee on Public Works.

By Mr. GREENWOOD:

H. R. 5025. A bill to amend section 201 of the Federal Civil Defense Act of 1950, by adding thereto a new subsection authorizing financial contributions to the States for the purpose of providing compensation for injury or death sustained by any person serving in the United States Civil Defense Corps; to the Committee on Armed Services.

By Mr. MORRISON:

H. R. 5026. A bill to amend the Federal Civil Defense Act of 1950 to provide for Federal contributions to enable the States to provide compensation for members of the United States Civil Defense Corps suffering injuries or death in performing their duties; to the Committee on Armed Services.

By Mr. TAYLOR:

H. R. 5027. A bill to provide an increased penalty for the importation of narcotic drugs, and for other purposes; to the Committee on Ways and Means.

By Mr. MITCHELL:

H. R. 5028. A bill to authorize the construction of housing for workers to be employed at the Naval Shipyard, Bremerton (Puget Sound), Wash.; to the Committee on Armed Services.

By Mr. BOGGS of Louisiana:

H. R. 5029. A bill to amend title 18, United States Code, to increase the criminal penalty provided for persons convicted of gathering or delivering certain defense information to aid a foreign government in time of peace; to the Committee on the Judiciary.

H. R. 5030. A bill to prevent subversive individuals and organizations from appearing as surety for bail in criminal cases; to the Committee on the Judiciary.

H. R. 5031. A bill to require the Attorney General to compile and maintain a list of subversive organizations; to the Committee on the Judiciary.

H. R. 5032. A bill to provide for the detention and prosecution of Communists and former Communists, to provide that peacetime espionage may be punished by death, and for other purposes; to the Committee on the Judiciary.

By Mr. MULTER:

H. R. 5033. A bill to amend the Housing Act of 1950 to equalize the benefits of veterans to that of nonveterans, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCRIVNER:

H. J. Res. 305. Joint resolution to provide Federal aid and financial assistance to local agencies to enable them to provide permanent housing for persons left homeless in disaster areas; to the Committee on Banking and Currency.

By Mr. COX:

H. Res. 364. Resolution creating a select committee to conduct an investigation and study of foundations and other comparable organizations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNE of New York:

H. R. 5034. A bill for the relief of John Vassilatos; to the Committee on the Judiciary.

By Mr. CHUDOFF:

H. R. 5035. A bill for the relief of J. Hibbs Buckman and A. Raymond Raff, Jr., executors of the estate of A. Raymond Raff, deceased; to the Committee on the Judiciary.

By Mr. REED of New York:

H. R. 5036. A bill for the relief of Jacob J. Schaftenaar; to the Committee on the Judiciary.

SENATE

THURSDAY, AUGUST 2, 1951

(Legislative day of Wednesday, August 1, 1951)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Dr. J. Arthur Rinkel, minister, Central Methodist Church, Winona, Minn., offered the following prayer:

Almighty God, father of all mankind, deepen our sense of relationship and accountability to Thee. Instill in our hearts a great love of truth, and enlighten our minds that we may comprehend the truth. Give us a longing for righteousness, believing that "Righteousness exalteth a nation." Save us from the follies we see in others and direct us in the path of wisdom.

Bless, O God, all who guide the destiny of mankind in this trying hour, and may it please Thee to use our President, and all in authority with him, to lead our Nation and our world to peace in our time.

"Save us from weak resignation
To the evils we deplore.
* * * * *
Set our feet on lofty places,
Gird our lives that they may be
Garnered with all Christlike graces,
In our fight to make men free.
Grant us wisdom, grant us courage,
That we fail not man nor Thee!"

In the name of Christ. Amen.

THE JOURNAL

On request of Mr. MCFARLAND, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, August 1, 1951, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on August 1, 1951, the President had approved and signed the following acts:

S. 263. An act to amend section 5 of the act entitled "An act to authorize the apprehension and detention of insane persons in the District of Columbia, and providing for their temporary commitment in the Government Hospital for the Insane, and for other purposes," approved April 27, 1904, as amended; and

S. 673. An act to permit the exchange of land belonging to the District of Columbia for land belonging to the abutting property owner or owners, and for other purposes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. KEFAUVER, and by unanimous consent, the Committees on Armed Services and Foreign Relations were authorized to meet this afternoon during the session of the Senate.

On request of Mr. HOEY, and by unanimous consent, the Armed Services Committee and the Foreign Relations Committee, sitting in joint session, were authorized to meet during the session of the Senate this afternoon.